



**AGENDA FOR ORDINARY MEETING
TO BE HELD IN COUNCIL CHAMBERS, BUNDABERG
ON TUESDAY 07 JUNE 2016, COMMENCING AT 10.00 AM**

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Item

07 June 2016

Item Number:	File Number:	Part:
C1	n/a	COUNCILLORS

Portfolio:

Councillors

Subject:

Leave of Absence - Cr Barnes

Report Author:

Wendy Saunders, Executive Services Coordinator

Authorised by:

Peter Byrne, Chief Executive Officer

Link to Corporate Plan:

Nil -

Background:

Cr GR Barnes requests leave of absence from all meetings of Council from 9 to 24 June 2016.

Associated Person/Organization:

Cr Greg Barnes

Attachments:

Nil

Recommendation:

That Cr GR Barnes' application for leave of absence from all meetings of Council from 9 to 24 June 2016, be granted.

**Item****07 June 2016****Item Number:**

F1

File Number:

.

Part:GOVERNANCE &
COMMUNICATIONS**Portfolio:**

Organisational Services

Subject:

Gin Gin - Mt Perry Road, Moolboolaman - Renewal/conversion of Term Lease over Lot 83 on BON606

Report Author:

Nathan Powell, Property Leasing Officer

Authorised by:

Andrew Ireland, General Manager Organisational Services

Link to Corporate Plan:

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

Background:

The Department of Natural Resources and Mines is investigating the renewal and/or conversion to freehold, Term Lease 217762, over land described as Lot 83 on BON606, and located at Gin Gin - Mt Perry Road, Moolboolaman. The lease area, which is 42.1 hectares and is currently used for grazing purposes, will expire on 9 June 2017.

Council's views, comments or objections are sought for consideration by the Department when assessing the application.

Associated Person/Organization:

Department of Natural Resources and Mines.

Consultation:

Division 3 Councillor, Cr Wayne Honor has been advised of the proposal.

Portfolio Spokesperson, Cr Helen Blackburn has been advised of the proposal.

The views of relevant officers were sought and listed below are their comments:

Department of Infrastructure & Planning:

Senior Town Planner, Gail Downie advised the land is situated in a "Rural Residential" zone (RRZ3 – 4 hectare minimum lot area) precinct and offers no objection from a planning perspective.

Planning Services Engineer, Roads & Drainage Services, Hennie Roux advised that Roads and Drainage has no objection to the Department's proposal.

Water & Wastewater Group Manager, Tom McLaughlin advised that he would have no objection to the Department's proposal as the property is a long way from any infrastructure and water services.

Department of Community & Environment:

Operational Supervisor, Natural Resource Management, Nick McLean advised he has no objection to or further considerations for the renewal or conversion to freehold.

Legal Implications:

There appear to be no legal implications.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Communication Strategy:

Communication Strategy required?

- ✓ Not applicable
- Yes – Communications Team consulted

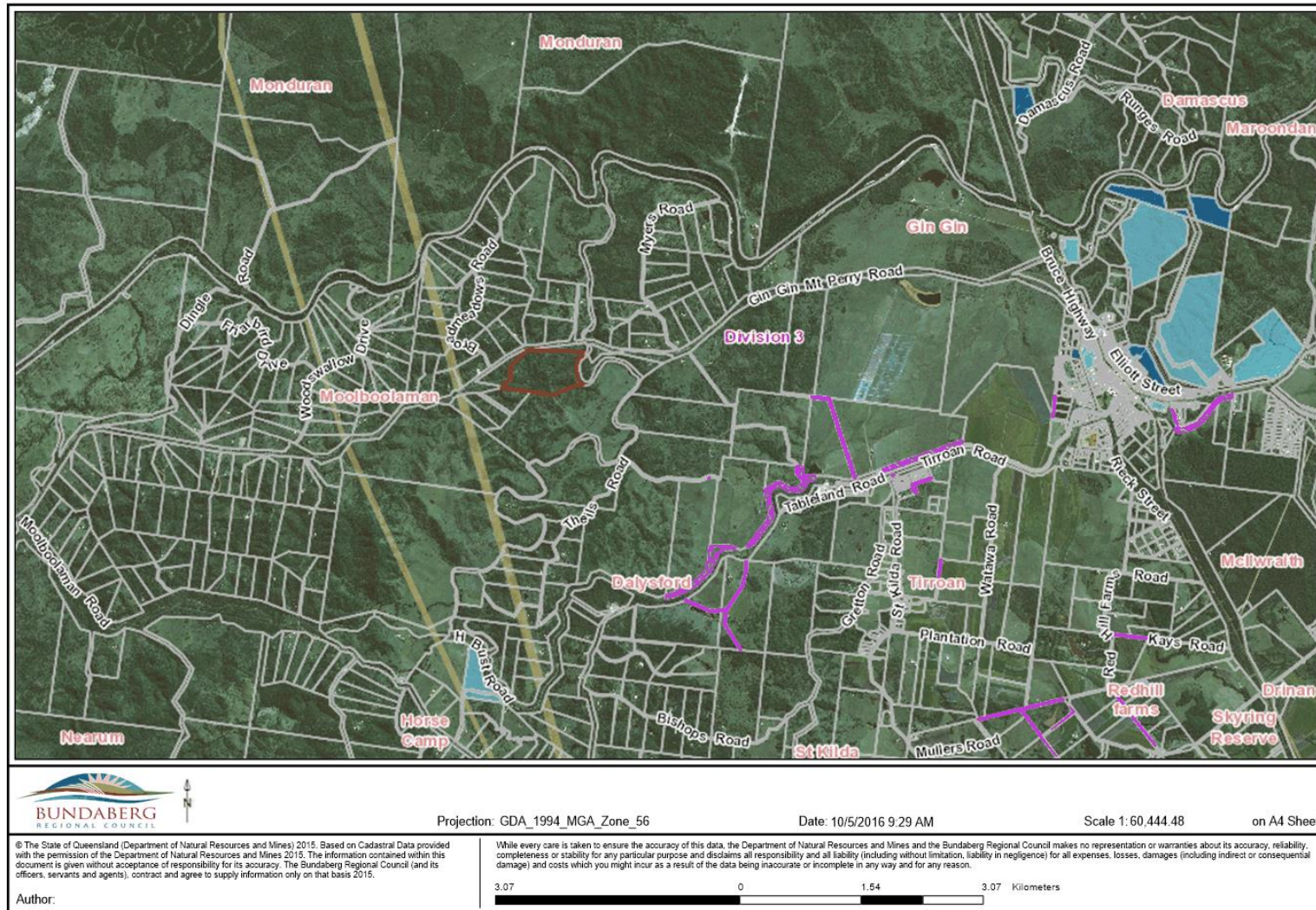
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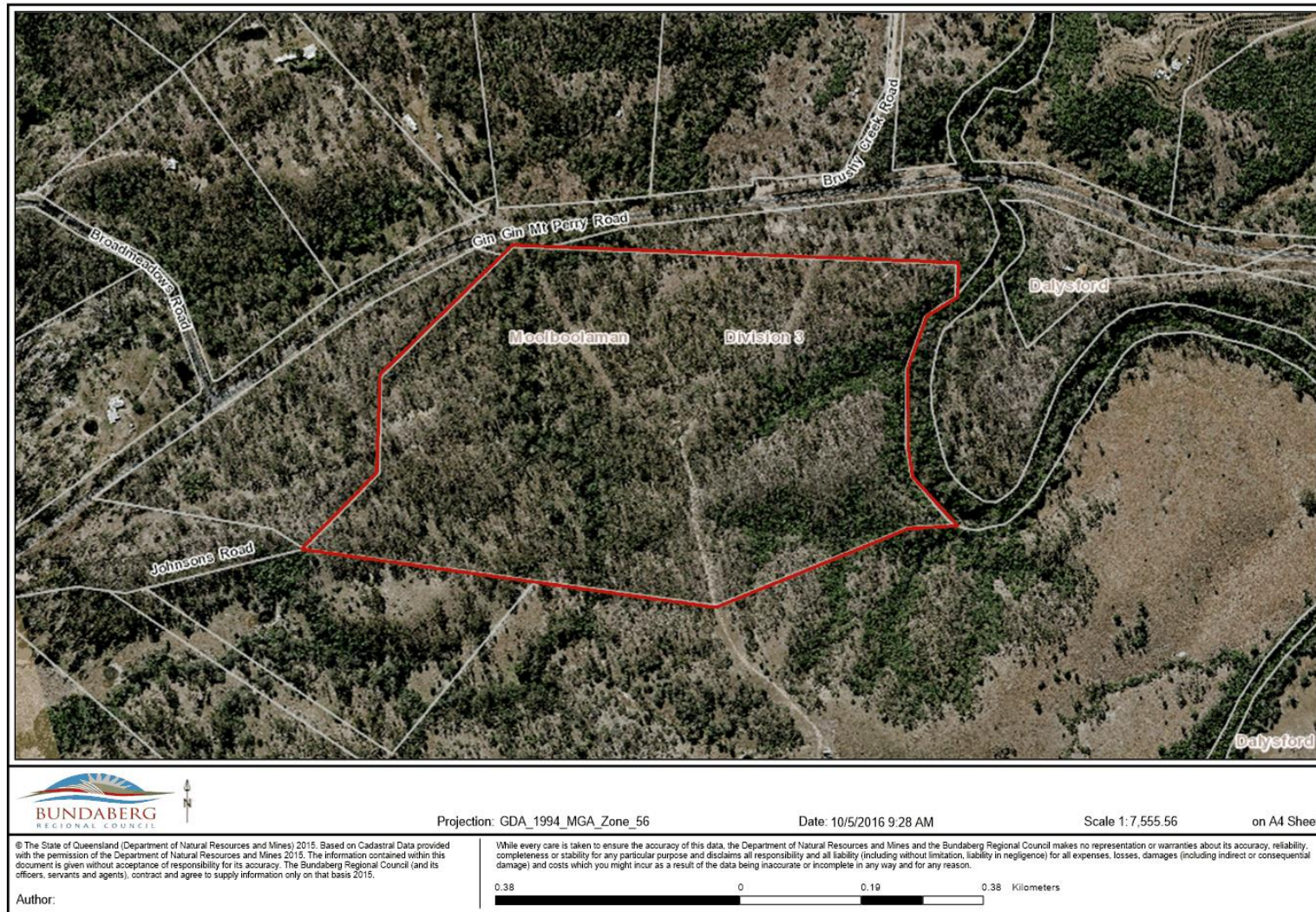
- 1 Aerial Photo - Wide - Lot 83 on BON606
- 2 Aerial Photo - Close - Lot 83 on BON606
- 3 SmartMap - Lot 83 on BON606

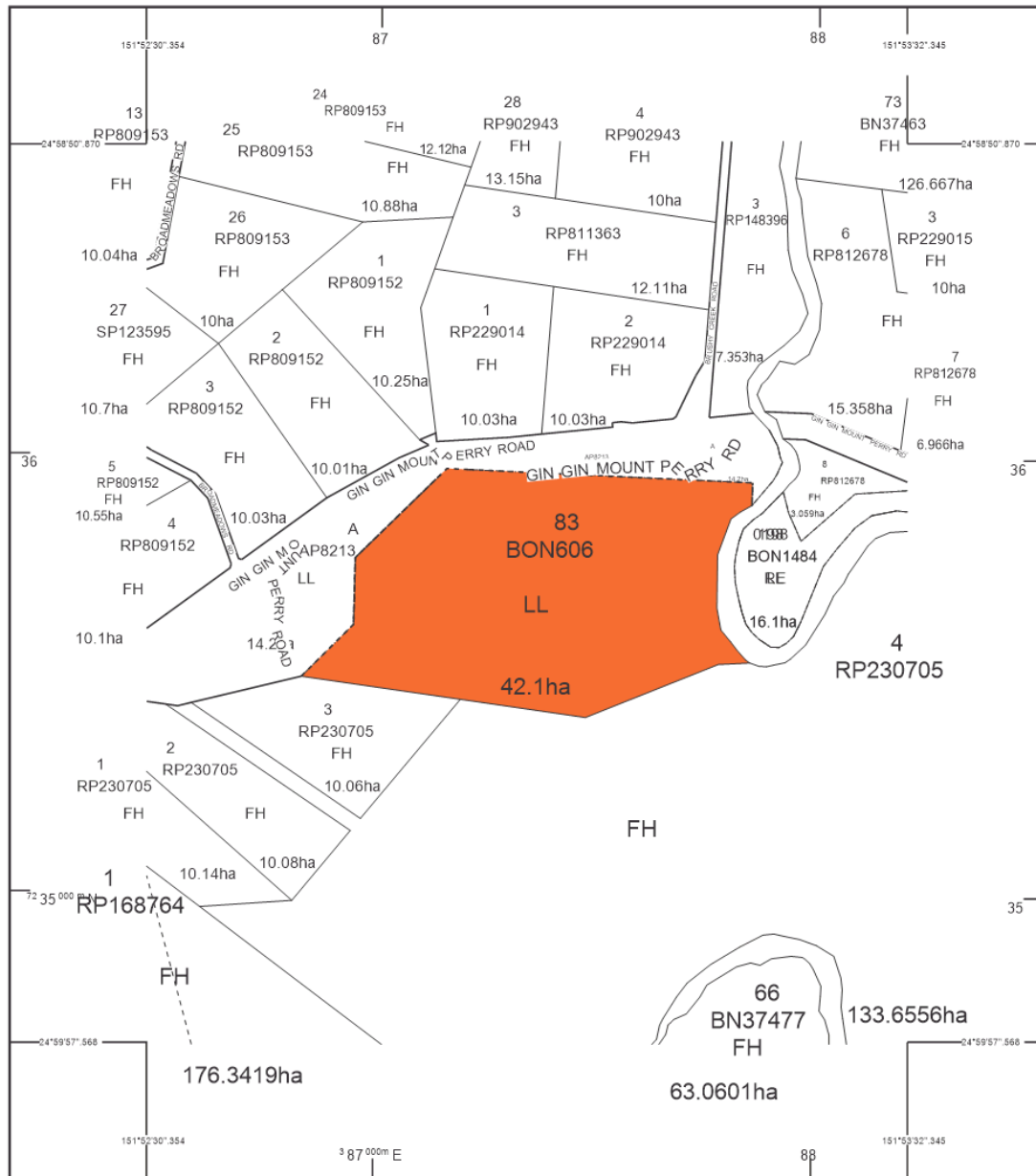
Recommendation:

That the Department of Natural Resources & Mines be advised Council offers no objection to the:-

- 1. renewal of Term Lease 217762 over land described as Lot 83 on BON606, located at Gin Gin - Mt Perry Road, Moolboolaman; or its**
- 2. conversion to freehold subject to the Applicant meeting all costs associated with any access issues raised by the Department of Transport and Main Roads.**







STANDARD MAP NUMBER
9248-22333



MAP WINDOW POSITION &
NEAREST LOCATION

151°53'07.350
24°59'21.219
GALYSPORD
1:21 KM

SUBJECT PARCEL DESCRIPTION

DCDB	83/BON606
Lot/Plan	42.1ha
Area/Volume	LANDS LEASE
Tenure	BUNDABERG REGIONAL
Local Government	MOOLBOOLAMAN
Locality	42514/3
Segment/Parcel	

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 15/04/2016
For additional information regarding this SmartMap see page 2.
Shading Rules have been applied.

DCDB 14/04/2016 (Lots with an area less than 1500m² are not shown)

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Based upon an extraction from the
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**Item****07 June 2016****Item Number:**

F2

File Number:

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Part:GOVERNANCE &
COMMUNICATIONS**Portfolio:**

Organisational Services

Subject:

Thurlick Lane, Good Night - Renewal/Conversion of Term Lease over Lot 194 on BON478

Report Author:

Nathan Powell, Property Leasing Officer

Authorised by:

Andrew Ireland, General Manager Organisational Services

Link to Corporate Plan:

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

Background:

The Department of Natural Resources and Mines is investigating the renewal and/or conversion to freehold of Term Lease 231646, over land described as Lot 194 on BON478, located at Thurlick Lane, Good Night. The lease area is 4.05 hectares and is currently used for grazing purposes and expires 25 July 2017.

Council's views, comments or objections are sought for consideration by the Department when assessing the application.

Associated Person/Organization:

The Department of Natural Resources and Mines

Consultation:

Division 3 Councillor, Cr Wayne Honor has been advised of the proposal.

Portfolio Spokesperson, Cr Helen Blackburn has been advised of the proposal.

The views of relevant officers were sought and listed below are their comments:

Department of Infrastructure & Planning:

Senior Town Planner, Gail Downie advised the lot is included in the "Rural" zone and has frontage to the Burnett River. Planning and Development have no objection to the granting of a continuation of the grazing lease.

Planning Services Engineer, Roads & Drainage Services, Hennie Roux advised that Roads and Drainage has no objection to the renewal of the lease nor its conversion to freehold tenure since no road reserve is affected.

Water & Wastewater Process Operations Manager, Jeff Rohdman advised that he would have no objection to the Department's proposal as the property is a long way from any infrastructure and water services.

Department of Community & Environment:

Operational Supervisor, Natural Resource Management, Nick McLean advised he has no objection to or further considerations for the renewal or conversion to freehold.

Legal Implications:

There appear to be no legal implications.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Communication Strategy:

Communication Strategy required:

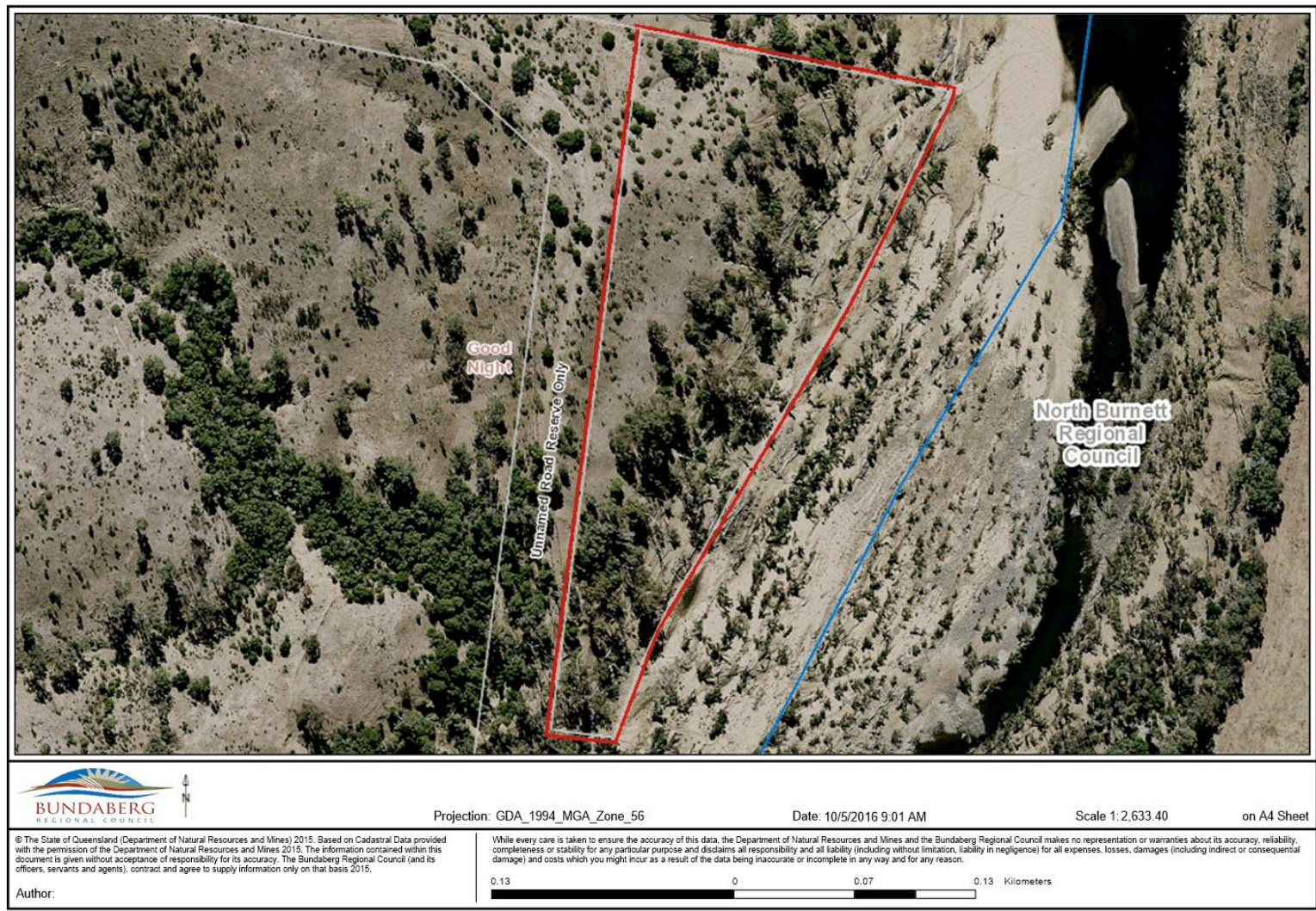
- X Not applicable
- Yes – Communications Team consulted

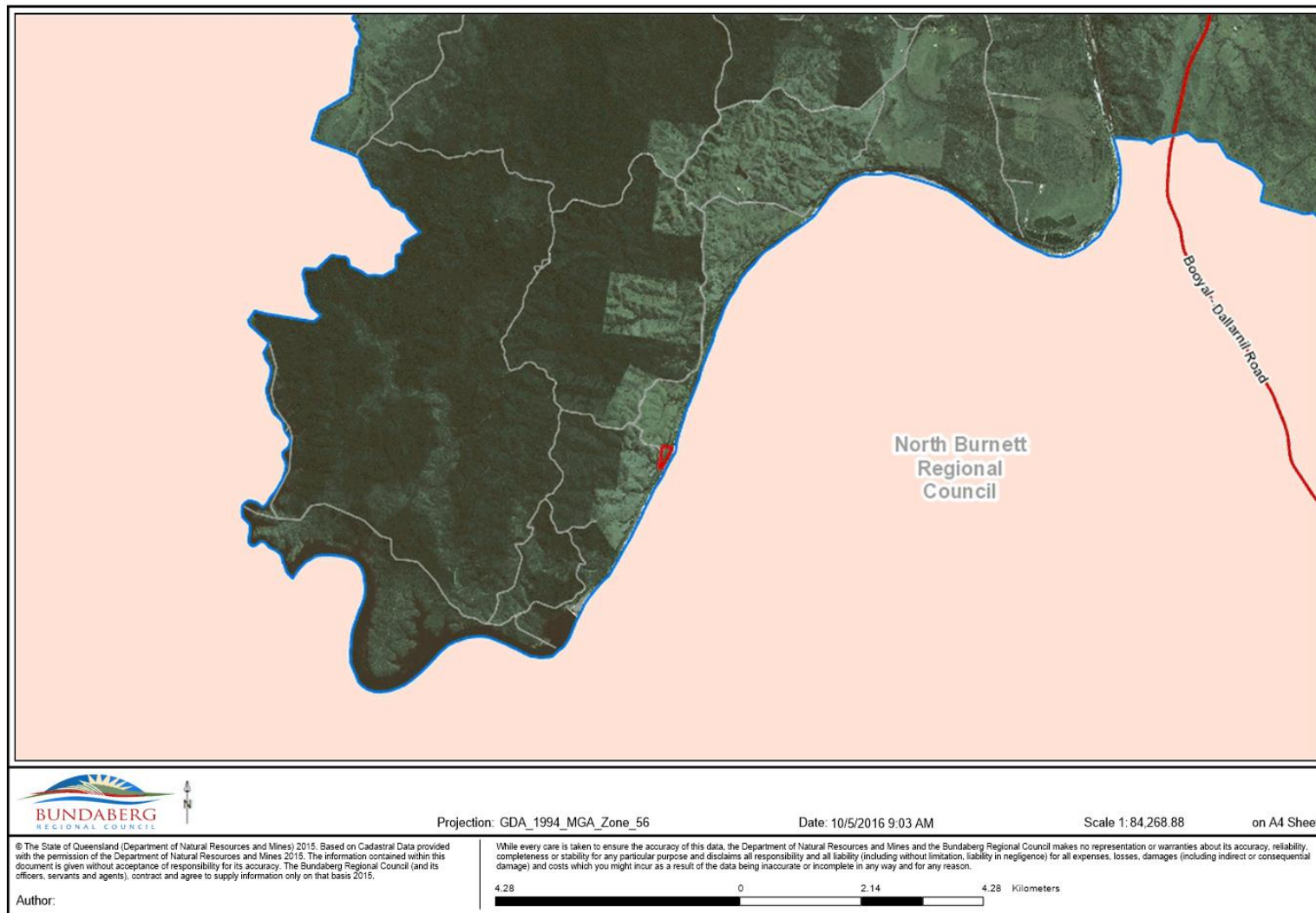
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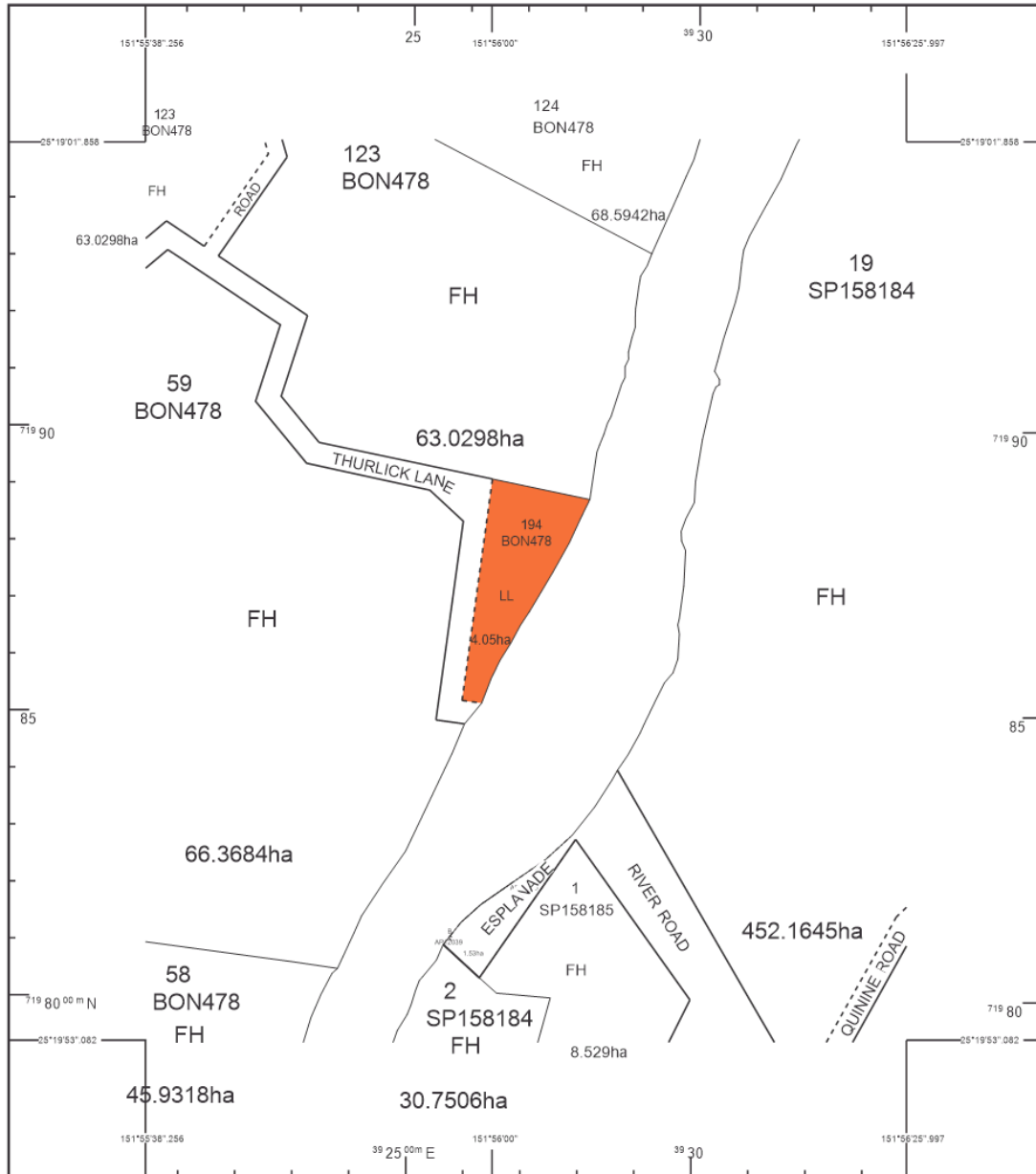
- 1 Aerial Photo - Close - Lot 194 on BON478
- 2 Aerial Photo - Wide - Lot 194 on BON478
- 3 SmartMap - Lot 194 on BON478

Recommendation:

That the Department of Natural Resources & Mines be advised that Council offers no objection to the renewal or conversion to freehold of Term Lease 231646 over land described as Lot 194 on BON478, located at Thurlick Lane, Good Night.







STANDARD MAP NUMBER
9247-21311



SUBJECT PARCEL DESCRIPTION

DCDB	194/BON478
Lot/Plan	194/BON478
Area/Volume	4.05ha
Tenure	LANDS LEASE
Local Government	BUNDABERG REGIONAL
Locality	GOOD NIGHT
Segment/Parcel	12307/5

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 15/04/2016
 For additional information regarding this SmartMap see page 2.
 Shading Rules have been applied.
 DCDB 14/04/2016

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SmartMap

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SmartMap Information Services
Based upon an extraction from the
Digital Cadastral Data Base



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**Item****07 June 2016**

Item Number:	File Number:	Part:
F3	.	GOVERNANCE & COMMUNICATIONS

Portfolio:

Organisational Services

Subject:

30A Avoca Street, Millbank - Jubilee Park - Request for a Trustee Lease - Western Suburbs Junior Rugby League - Lot 129 on SP182592

Report Author:

Nathan Powell, Property Leasing Officer

Authorised by:

Andrew Ireland, General Manager Organisational Services

Link to Corporate Plan:

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

Previous Items:

Q2 - Jubilee Park - Trusteeship of Recreation Reserve on Lot 129 on SP182592 - Ordinary Meeting - 17 May 2016

Background:

At its meeting held 17 May 2016, Council considered a request from the Department of Natural Resources and Mines regarding the Trusteeship of Jubilee Park, described as Lot 129 on SP182592, located at 30A Avoca Street, Millbank.

The background information provided to Council is as follows:

- DNRM received from the CQ Leagues Club (Bundaberg) Inc resignation as Trustee of the land;
- DNRM temporarily appointed Western Suburbs Junior Rugby League Inc as Trustee, with conditions, including that the Trusteeship be resigned if Council accepts same;
- Western Suburbs Junior Rugby League Inc has liaised closely with various groups involved in the reserve including:
 - *Western Suburbs Rugby League Football Club*
 - *Western Suburbs Softball Club*
 - *Bundaberg Rum Ruckers Inc*
 - *Barbarians Rugby Union Club*

- *Western Suburbs Netball Club*
 - *Combined Western Suburbs Cricket Club*
- It is considered that the most effective arrangement to facilitate this is for Council to accept Trusteeship.

Correspondence was received by Western Suburbs Junior Rugby League Club on 11 May 2016, formally requesting that Council enter into a trustee lease over the whole of the reserve.

Letters of support from the various user groups were also provided advising that the Western Suburbs Junior Rugby League Inc have always maintained the grounds to a high standard, and expressed their confidence that Western Suburbs Junior Rugby League Club Inc would act in the best interest of all the sporting clubs who use the reserve moving forward.

Council at its Meeting of 17 May, 2016, resolved to accept Trusteeship of the reserve.

Associated Person/Organization:

Western Suburbs Junior Rugby League Inc

The Department of Natural Resources and Mines

Consultation:

Peter Byrne, Chief Executive Officer

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

Division 4 Councillor, Cr Helen Blackburn has been advised of the proposal.

Portfolio Spokesperson, Cr David Batt has been advised of the proposal.

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:

Entering into a Trustee Lease will transfer risk in relation safety and public liability.

There appears to be no risk management implications.

Communication Strategy:

Communication Strategy required:

Not applicable

X Yes – Communications Team consulted

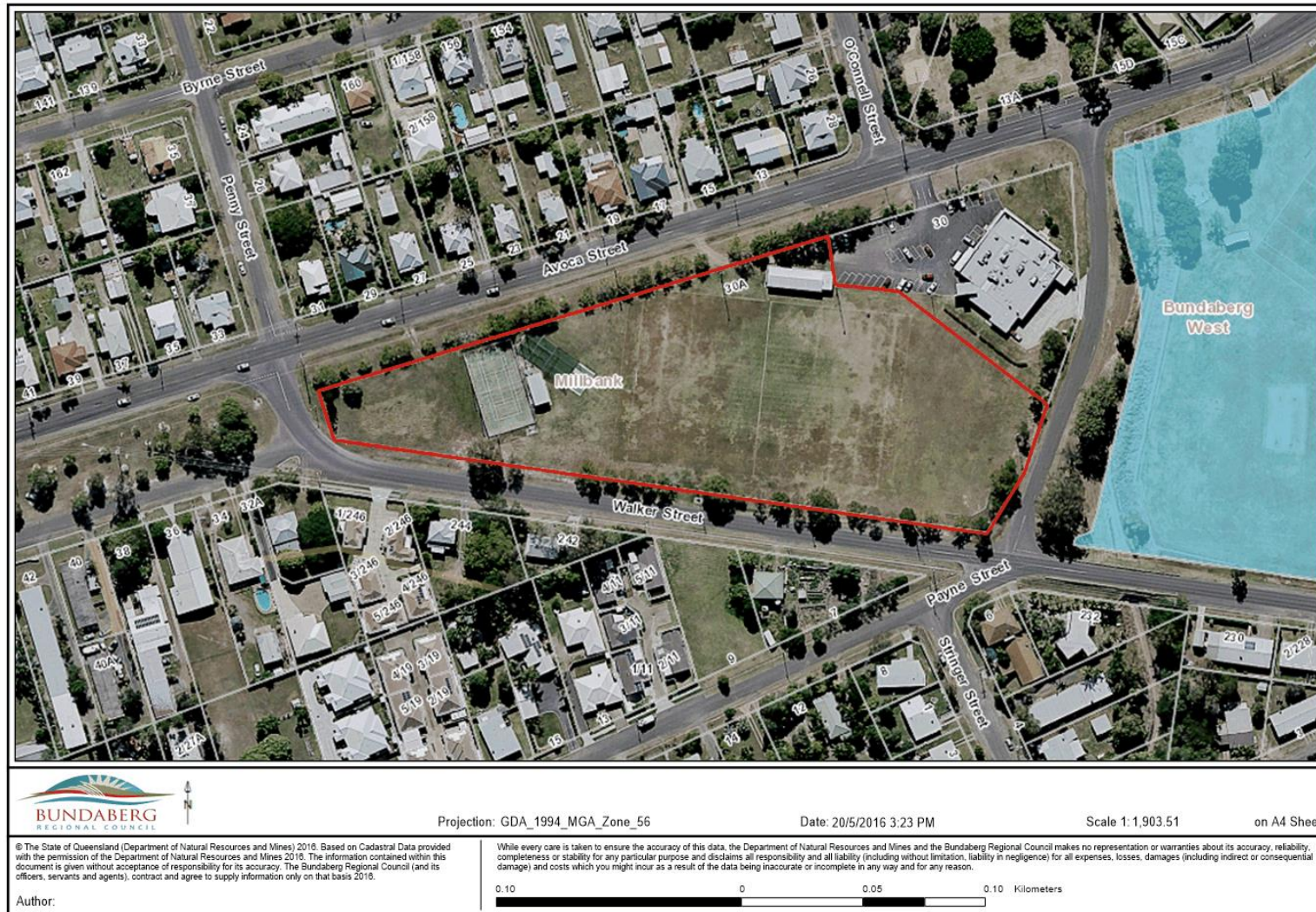
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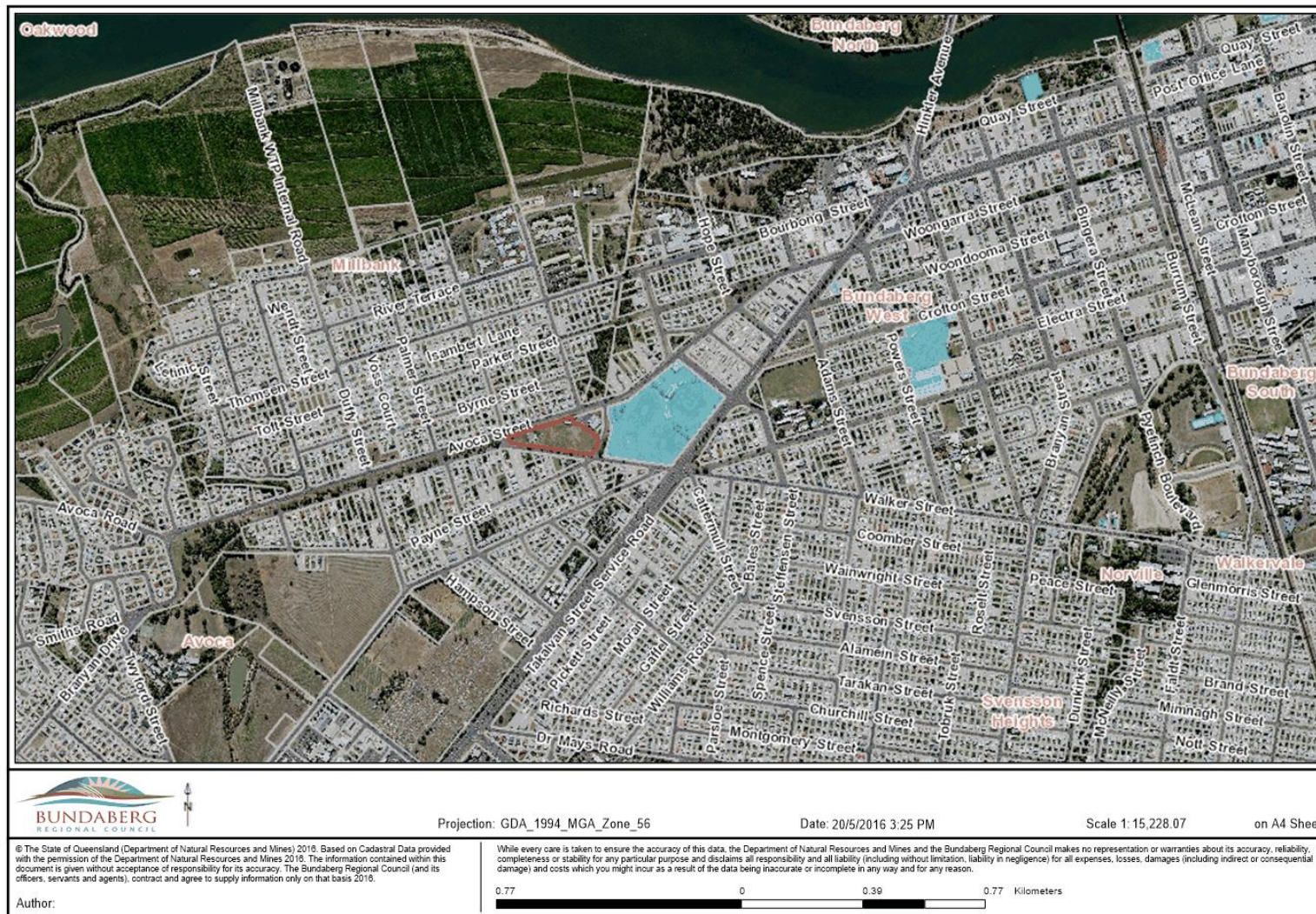
1 Aerial Photo - Close - Jubilee Park

2 Aerial Photo - Wide - Jubilee Park

Recommendation:

That the Chief Executive Officer be authorised to finalise a Trustee Lease over land described as Lot 129 on SP182592, located at 30A Avoca Street, Millbank, known as “Jubilee Park”, to Western Suburbs Junior Rugby League Club Inc.





**Item****07 June 2016****Item Number:**

G1

File Number:

-

Part:

INFRASTRUCTURE

Portfolio:

Infrastructure & Planning Services

Subject:

Fleet Management Advisory Committee

Report Author:

Valerie Andrewartha, Executive Assistant

Authorised by:

Andrew Fulton, General Manager Infrastructure & Planning

Link to Corporate Plan:

Governance - 4.4.5 Responsible financial management and efficient operations

Background:

Council at its Meeting of 1 November 2011, resolved to establish a Fleet Management Advisory Committee. Further, at its meeting of 27 June 2012, Council adopted the Terms of Reference for same.

The minutes and associated attachments for the meeting held on 6 May 2016, are submitted for Council's information.

Further, the Committee request Council's endorsement of the amended *Terms of Reference* (attached) which reflects the change of Council appointed Representatives.

Council's endorsement is also sought on the proposed 2016/2017 Plant Replacement Program (PRP) and is attached for consideration.

Associated Person/Organization:

Fleet Management Advisory Committee

Consultation:

Fleet Management Advisory Committee – consultation undertaken with Committee members on all issues contained within the Agenda/Minutes;

Fleet Services – provision of draft Plant Replacement Program for consideration by the Fleet Management Advisory Committee;

Finance – liaison with Sustainable Finance on both the 2015/2016 and 2016/2017 Plant Replacement Programs.

Communication Strategy:

Communication Strategy required?

X Not applicable

Yes – Communications Team consulted

Legal Implications:

There appear to be no legal implications.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

Endorsement by Council of the Fleet Management Advisory Committee's draft 2016/2017 Plant Replacement Program comprising \$2,683,000 of expenditure.

Risk Management Implications:

There appears to be no risk management implications.

Attachments:

- 1 Minutes of Meeting - 06052016
- 2 Attachments - 06052016 - Confidential
- 3 2016/2017 Proposed Plant Replacement Program - Confidential
- 4 Terms of Reference

Recommendation:

That the minutes (and associated attachments) of the Fleet Management Advisory Committee meeting held on 6 May 2016, be received and noted by Council.

Further, that the:-

- 1. amended Terms of Reference for the Fleet Management Advisory Committee (as detailed on the 2 pages appended to this report); and the**
- 2. draft 2016/2017 Plant Replacement Program (as detailed on the 3 pages appended to this report);**

be endorsed by Council.



MINUTES
FLEET MANAGEMENT ADVISORY COMMITTEE
6 May 2016

Where	Burnett Meeting Room, Bargara
When	Friday, 6 May 2016 – 9.00am
Attendees	Cr. Bill Trevor – Councillor Cr. Wayne Honor – Councillor Andrew Fulton – General Manager Infrastructure & Planning Michael Egan – Group Manager Support Services Andrew Railz – Manager Fleet Services John Kelly – Manager Strategic Finance
By Invitation	Barry White – Procurement Co-Ordinator
Apologies	Anthony Keleher – Manager Financial Accounting
Chair	TBA
Minute Taker	Valerie Andrewartha – Executive Assistant
Next Meeting	July 2016

1. Welcome

Andrew Fulton welcomed everyone to the meeting and apologies noted.

Minutes of the previous meeting of 16 February 2016 were accepted as read.

Moved: Andrew Railz

Seconded: Andrew Fulton

2. Business

Overview of Fleet & Operations

Andrew Fulton requested that an overview of fleet be provided to inform the new Council Representatives. Points included:-

- Fleet Procurement has a capital budget of approximately \$4 million per annum;
- Fleet Operations has a budget of approximately \$15 million per annum which includes fuel (\$3 million);

Fleet Management Advisory Committee**6 May 2016**

- Fleet currently has two (2) depots – East Operations Depot and Childers Depot and utilises mobile fuel trucks and servicing trucks to facilitate efficient operations;
- Council's current fleet ownership includes approximately 700 items of major plant (>\$5,000) and 970 items of minor plant;
- Supply of parts for major fleet is now managed by Repco. Council has approximately 217 different brands of plant across its fleet (600 different models);
- Plant Replacement Program:-
 - Garbage trucks replacement program is normally 2 trucks per year;
 - Light vehicles are generally replaced every 5 years or 160,000 km;
 - Yellow plant:-
 - graders are generally replaced every 8 years or 8,000 hours;
 - backhoes are replaced every 8 years or 6,000 hours;
 - Discussion regarding hiring of equipment was undertaken;
 - Plant hire charging includes depreciation, corporate overheads, administration overheads, servicing costs;

Some further general discussion on plant and budget was undertaken. Andrew Fulton then invited Cr. Honor to take over as Chairperson.

Cr. Honor took over as Chair and welcome everyone to the meeting.

(a) **Matters Arising from Previous Minutes**

- Purchase & Installation of GPS Devices UPDATE
 - *Drafting of Anti-Idling Policy*

Andrew Railz advised that there will be 350 devices fitted to Council plant with 160 currently fitted. The installation of GPS devices (with RFID readers) will assist with locating minor plant. The devices cost approximately \$300-\$350 per device with operational costs being \$45/user/month to log into system (currently 30 users).

Cr. Trevor asked what the desired outcome is of having these devices fitting. Andrew Railz advised that they will:-

- assist in the efficiency and effectiveness of fleet management including:
 - fuel saving with reduced idling time;
 - improved work scheduling;
 - improve fleet safety;
 - improve fleet maintenance management through live performance and monitoring data;

Fleet Management Advisory Committee**6 May 2016**

- increased auditability of driver behaviour through position and time data;

Action/s:- Update as required (*Andrew Railz*)
Provision of Anti-Idling Policy (*Andrew Railz*)

- Vehicle Pooling System UPDATE

Andrew Fulton advised that this system will improve the utilisation of Council's light vehicle fleet.

Barry White advised that electronic key cabinets have been installed at the Bundaberg Administration Office and Bargara Service Centre. The software chosen to operate the vehicle pooling system is *PoolCar*. Training in the use of the system will commence next week with a Go Live date of 23 May 2016.

Action/s:- Update as required (*Andrew Railz*)

- Minor Plant UPDATE

- *Investigation into purchase and installation of RFID tags on nominated plant*

This matter was not discussed.

Action/s:- To be discussed at next meeting (*Valerie Andrewartha*)

- Business Case – Airside Mowing Machine (Deferred)

This matter was deferred.

Action/s:- Deferred – Next Meeting. Geordie Lascelles and Lane Dechaineux to be invited (*Valerie Andrewartha*)

- Sale of Plant

- *Additional comparison to be undertaken*

An overview of the history of the auction (12 March 2016) of Council plant was provided by Andrew Railz. Council utilised Brisbane based firm 'Nasco' for this event with a significant advantage being the ability to provide live on-line bidding.

Further consideration to be given by the Committee prior to the organisation of the next auction (approximately 12 months).

Action/s:- Discussion with the Fleet Management Advisory Committee before any future auctions are scheduled (*Andrew Railz*)

Fleet Management Advisory Committee**6 May 2016**(b) **New Business**• Terms of Reference

Andrew Fulton asked the group whether the existing Terms of Reference were satisfactory and in particular, whether any additional members need to be added to the Committee. It was agreed that other persons would attend on an 'as needs' basis. The Terms of Reference are to be amended to reflect the current Council appointed Councillors.

Action/s:- Amendment of Terms of Reference (Valerie Andrewartha)
Submission of amended Terms of Reference to Council (Andrew Fulton)

• Plant Replacement Program 2015/2016

Andrew Railz advised that all plant, with the exception of Councillors vehicles, have been ordered. Currently awaiting the delivery of 1 garbage truck which should arrive mid-July and 3 SES trailers (only 1 will arrive this financial year).

Cr. Trevor queried the reduction of the waste fleet as a result of the fatal accident in Gin Gin recently. Andrew Railz advised that Council currently has a rental truck for a period of 2 months to fill the shortfall.

The Committee was asked to consider the purchase of a replacement generator and load testing device for the Bargara Service Centre utilising available funds of \$120,000. After some discussion, the Committee agreed that approval be given to purchase this additional plant item in the 2015/2016 budget.

Moved: Andrew Railz

Seconded: Barry White

Carried Unanimously

Action/s:- The Committee agree to the purchase of a generator and load testing device for the Bargara Service Centre (\$120,000) from the 2015/2016 budget (Andrew Fulton)

• Plant Replacement Program 2016/2017

A draft Plant Replacement Program was submitted to the Committee, and following the Committee's consideration of all items, the recommended PRP is as per attached.

Action/s:- Committee recommends to Council that the PRP 2016/2017 be agreed to (as per attachment), including an unallocated fund of \$880,000, which the Committee will further decide at future meetings (Andrew Fulton)

Fleet Management Advisory Committee**6 May 2016**3. Reports(a) **Monthly Report/s** (attached)

Monthly Reports for February, March, April 2016 were distributed for information.
Discussion undertaken.

5. Next Meeting – TBAThanks & Close

Close – 11.00am



TERMS OF REFERENCE **Fleet Advisory Committee**

That a Fleet Management Advisory Committee be established, based on the following **Terms of Reference**:-

- Purpose:** The Fleet Management Advisory Committee shall seek to improve effectiveness and efficiency of fleet delivery and operations within Bundaberg Regional Council.
- Membership:** Membership of the Fleet Management Advisory Committee shall comprise of the following representatives:
- Two Councillors (appointed by Council)
 - General Manager Infrastructure and Planning
 - Group Manager Support Services
 - Manager Fleet Services
 - Manager Financial Accounting or Manager Strategic Finance
- Chairperson:** The Chairperson of the Fleet Management Advisory Committee shall be an elected member of Council, as appointed by Council.
- Minutes:** A minute taker and administration assistance shall be provided by General Manager Infrastructure and Planning. Recommendations to Council shall be shown in the minutes of meetings of the Fleet Management Advisory Committee and be provided to Council as an agenda item under the Infrastructure and Planning Directorate for consideration by Council. This report to Council shall occur within four weeks of a Fleet Management Advisory Committee Meeting.
- Frequency of Meetings:** Fleet Management Advisory Committee Meetings shall be conducted once every three months unless additional meetings determined by the Committee are set down.
- Agenda:** An agenda will be distributed five business days prior to a Committee Meeting. The agenda will identify the time and location of the Committee Meeting.



ABN 72 427 835 198

PO BOX 3130 BUNDABERG QUEENSLAND 4670

T: 1300 883 699 F: 07 4150 5410 E: ceo@bundaberg.qld.gov.au W: bundaberg.qld.gov.au



Role of the Committee:

The Fleet Management Advisory Committee shall:-

- Recommend Fleet Replacement Priorities for budget consideration;
- Audit fleet utilisation;
- Recommend fleet provision methods including alternative procurement and delivery mechanisms;
- Review and recommend fleet charging policies;
- Review Fleet Management Performance Reporting;
- Submit recommendations to Council on the above matters including submission of draft policies with respect to fleet management.

Further, that the:-

- Roads & Drainage Portfolio Spokesperson; and
- Deputy Mayor/Environmental & Natural Resources Portfolio Spokesperson

be appointed Councillor representatives (with the Roads & Drainage Portfolio Spokesperson as Chairperson) on this Advisory Committee.



ABN 72 427 835 198

PO BOX 3130 BUNDABERG QUEENSLAND 4670

T: 1300 883 699 F: 07 4150 5410 E: ceo@bundaberg.qld.gov.au W: bundaberg.qld.gov.au

**Item****07 June 2016****Item Number:**

I1

File Number:

IWW2013.2016

Part:

WATER & WASTEWATER

Portfolio:

Infrastructure & Planning Services

Subject:

Expression of Interest for the Sale of Bundaberg East Wastewater Treatment Plant

Report Author:

Tom McLaughlin, Group Manager Water and Wastewater

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 decommissioning of the Bundaberg East Wastewater Treatment Plant, located on Princess Street is part of the Rubyanna Sewerage Project. Beyond December 2017, the Bundaberg East Wastewater Treatment Plant will no longer be required to treat sewerage and as such Council will have an obligation to decommission, remediate and make the site safe.

A decision on the future of the site and the infrastructure contained within the site is required prior to July 2017. This milestone date is when the commissioning and proofing of the new Rubyanna Wastewater Treatment Plant commences.

A preliminary high level strategic report was completed in October 2015, which can be made available on request. This report focused on advice relating to the decommissioning and demolition of the Treatment Plant, but also suggested that Council should engage with the market to determine whether there would be any interest in the purchase of the property.

A portion of the existing site is required for a new pump station to transfer sewerage to the new Rubyanna Wastewater Treatment Plant. The new pump station will be on a separate parcel of land currently within the treatment plant boundary. Improvements to this land parcel are part of Downer's contracted works and will not be part of the decommissioning or sale of the site.

The strategy report also indicated that the cost to decommission the Treatment Plant may amount to \$500,000 and depending on the extent of demolition an additional \$300,000 to \$1,100,000 may also be required.

In broad terms the decommissioning activities would include:-

- Shut down process units and isolate vessels;
- Removal of liquids and sludges;
- Draining and flushing of vessels and pipelines;
- De-energisation of all plant and equipment;
- Disconnection of mains power supply;
- Removal of mobile plant and equipment; and
- Fence entire site (excluding pump station site)

It should be noted that irrespective of the agreed outcome for the plant, there will be a 'base' level of decommissioning required in order to satisfy release of the Department of Environment and Heritage Protection's (DEHP) environmental license and to address Council's duty of care to make the site safe.

The demolition options are numerous and range from the 'base' case of making the site safe through to full remediation of the site (i.e. public open space).

Prior to committing to any demolition works, it is proposed to approach the market via an Expression of Interest for the sale of the site. There is a preference to sell the entire site and not just the attractive portions and to only undertake remediation works that satisfy legislative requirements, make the site safe, or enhance any options that are brought forward that may deliver a higher net return to Council.

Council's Laboratory Services currently resides at the Treatment Plant. Depending on proposals received, there shall be a need to retain or lease the laboratory building and car park until Council commits to relocating the activity.

In recent years there have been a number of inquiries regarding the future use of the site and whether there were opportunities to either partner with Council or to utilise some of the treatment processes. It is only now that we are in a position to start exploring some of these opportunity in more detail.

Associated Person/Organisation:

Department of Environment & Heritage Protection and interested business owners.

Consultation:

The Department of Environment & Heritage Protection will be consulted in relation to the environmental license.

Some preliminary discussions have been held with Bundaberg businesses such as the Distillery, Bundaberg Sugar and Bundaberg Brewed Drinks. During the EOI process, parties that have expressed an interest will be further consulted.

Legal Implications:

There are legal risks associated with extinguishing Council's environmental license and understanding the 'duty of care' requirements for any future safety of the site.

The land is not considered contaminated in accordance with the Environmental Protection Act (1994). The site is not on the Department of Environment and Heritage Protection's contaminated land register.

Policy Implications:

There appears to be no policy implications.

Financial and Resource Implications:

An allocation of \$500,000 is proposed for in the 2017/18 budget for the decommissioning of the existing Bundaberg East Treatment Plant. The outcome of this process and the adopted direction will have a significant bearing on the current funding allocation.

Costs associated with decommissioning and demolition are to be funded from the Wastewater Operational budget.

Risk Management Implications:

A risk management workshop shall be held to identify potential risks and mitigation measures.

Appropriate legal input will be required as this initiative develops.

Communication Strategy:

Communication Strategy required?

- X Not applicable
- o Yes – Communications Team consulted

Attachments:

Nil

Recommendation:

In accordance with the Section 235(B) of the Local Government Regulations 2012, and because of the potential complexity and specialised nature of the project

- **Expressions of Interest be called for the sale of the Bundaberg East Wastewater Treatment Plant.**

**Item****07 June 2016**

Item Number:	File Number:	Part:
J1	Nil	PLANNING

Portfolio:

Infrastructure & Planning Services

Subject:

Bundaberg Regional Council Planning Scheme - Adoption of Proposed Amendment No 1 – Schedule 2 Mapping (Zone and Precinct) Changes

Report Author:

Evan Fritz, Manager Strategic Planning

Authorised by:

Andrew Fulton, General Manager Infrastructure & Planning

Link to Corporate Plan:

Environment - 4.2.1 A natural environment that is valued and sustainable

Background:

Council adopted the Bundaberg Regional Council Planning Scheme at its meeting held 13 October 2015. At the same meeting, Council resolved to make an amendment to the planning scheme to pursue a number of zoning and precinct changes. These changes had originally been proposed by Council in response to submissions to the draft planning scheme. However, these changes were not able to be incorporated in the planning scheme adopted by Council given concerns held by the Planning Minister that:-

- (i) the changes made planning scheme significantly different to the version released for public comment; and
- (ii) Council had not consulted over the proposed changes.

Rather than delay adoption of the Planning Scheme to undertake re-notification of the planning scheme (a likely delay of 6 to 12 months), it was considered appropriate for Council to adopt the new Planning Scheme and separately pursue the zoning and precinct changes as a planning scheme amendment.

The proposed amendment was sent to the Planning Minister on 22 October 2015 requesting State interest review and approval to publicly consult on the proposed amendment.

Council at its meeting held 24 November 2015 resolved to publicly consult on the proposed planning scheme amendment on receipt of approval from the Planning Minister.

The Planning Minister formally advised by letter dated 27 November 2015 that Council may publicly consult on the proposed amendment subject to exclusion of land at Moore Park Road (Part of Lot 2 on RP130787) and Malvern Drive (Part of Lot 3 SP150286), Moore Park Beach, from the amendment package.

Notice of the proposed planning scheme amendment was published in the Bundaberg News-Mail on Saturday, 28 November 2015, with the public notification period commencing on Monday, 30 November 2015 and ending Monday, 18 January 2016.

A total of 29 submissions were received on the proposed planning scheme amendment.

These submissions were considered by Council at its meeting held 2 February 2015. Council resolved to proceed with the planning scheme amendment with the following changes –

- 173 Avoca Road, Avoca (Lot 3 on RP868544) be retained in the Industry zone, ie not changed to the Specialised Centre zone;
- land at Oakwood Road, Oakwood described as Lot 1 on RP46039 not be included in Rural Residential Precinct RRZ2 and instead be removed from the Rural Residential zone and included in the Rural zone;
- the extent of the Emerging Community and Low Density Residential split-zoning for land at Watsons Road, Bargara (Lot 12 on SP198534 and Lot 13 on SP243449) be refined to reflect the latest known alignment for the Hughes Road extension.

Council considered these changes were minor and did not result in the proposed planning scheme (amendment) being significantly different to the version released for public consultation. Council wrote to the Planning Minister by letter dated 8 February 2016 requesting the Minister's approval to adopt the planning scheme.

The Planning Minister and Deputy Premier, Hon Jackie Trad MP, advised Council by letter dated 6 May 2016, that Council may adopt the proposed planning scheme amendment. A copy of this letter is included at Attachment 1.

It is now recommended that Council adopt the proposed planning scheme amendment. Details of the proposed planning scheme amendment, including amended zone maps and a table identifying the properties affected are included at Attachments 2 and 3. To provide sufficient time for notices to be placed in the local newspaper and the Government Gazette, and make the necessary changes to the planning scheme mapping available on Council's website, it is proposed that the planning scheme amendment commence Monday, 13 June 2016.

Adoption and Commencement

The Statutory Guideline for Making and Amending Local Planning Instruments (04/14) details the process for amending a planning scheme. As detailed at Stage 4, Step 9 of the process, after receiving advice from the Minister that it may adopt the proposed planning scheme, Council must decide to either adopt or not proceed with the proposed planning scheme amendment. Where Council decides to adopt the proposed planning scheme amendment, Council must place a notice in the gazette, a newspaper circulating in the Bundaberg Region, and on Council's website, including:-

- details of when the planning scheme amendment was adopted and the date the amendment takes effect; and

- the purpose and general effect of the amendment.

As soon as possible after adopting the planning scheme amendment, Council must give the Chief Executive of the Department of Infrastructure, Local Government and Planning, a copy of the notice referred to above, and one electronic copy of the amended planning scheme, including maps.

Associated Person/Organization:

Department of Infrastructure, Local Government and Planning (DILGP).

Consultation:

Public notification on the proposed planning scheme amendment was undertaken in accordance with the requirements of the *Sustainable Planning Act 2009* and *Statutory guideline for Making and amending local planning instruments*.

Legal Implications:

The *Sustainable Planning Act 2009* identifies circumstances where a landowner may be entitled to compensation for reduced value of interest in land arising from a change to Council's planning scheme. An entitlement to compensation does not arise unless a person makes a request to apply a superseded planning scheme. A request to apply a superseded planning scheme must be made within one (1) year of the new planning scheme or planning scheme policy (or amendment) taking effect. In broad terms, Council may be liable to a claim for compensation where Council refuses a request to apply a superseded planning scheme and where a subsequent development application for a development permit is made under the new planning scheme and is refused, or approved in part and/or subject to conditions.

Policy Implications:

The current report proposes that Council adopt an amendment to the Bundaberg Regional Council Planning Scheme.

Financial and Resource Implications:

Council's 2015/16 budget includes appropriate allocation of resources to undertake the proposed planning scheme amendment.

Risk Management Implications:

There appears to be no risk management implications.

Communication Strategy:

- ✓ Yes - Communication Strategy required
- ✓ Yes – Communications Team consulted

Attachments:

- 1 Deputy Premier's Approval to Adopt
- 2 Proposed Amendment No 1 - Zone Maps
- 3 Proposed Amendment No 1 - Table of Changes

Recommendation:

That pursuant to the *Sustainable Planning Act 2009* and the Statutory Guideline for Making and Amending Local Planning Instruments, the:-

- (a) proposed major amendment to the Bundaberg Regional Council Planning Scheme, being Amendment No 1 – Schedule 2 Mapping (Zone and Precinct) Changes, be adopted by Council; and**
- (b) amendment take effect from Monday, 13 June 2016.**



Deputy Premier
Minister for Infrastructure, Local Government and Planning
and Minister for Trade and Investment

Our ref: MC16/553

Your ref: LP/0022

Level 12 Executive Building
100 George Street
PO Box 15009 City East
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Email deputy.premier@ministerial.qld.gov.au

ABN 90 856 020 239

6 MAY 2016

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

Dear Councillor Dempsey

A handwritten signature in blue ink that reads "Jack".

I refer to the Bundaberg Regional Council's (the Council) letter of 8 February 2016 and the request for approval to adopt the Bundaberg Regional Council Planning Scheme 2015 (Proposed Planning Scheme Amendment No. 1).

The proposed planning scheme amendment has been assessed in terms of comments and changes made as a result of public consultation, the *Sustainable Planning Act 2009* and whether or not State interests would be adversely affected by the proposed planning scheme amendment.

I am pleased to advise, in accordance with *Statutory Guideline 04/14 Making and amending local planning instruments*, I am satisfied that the relevant State interests have been integrated and the Council may now adopt the version of the proposed planning scheme as received by the Department of Infrastructure, Local Government and Planning (the Department) on 8 February 2016.

If you require further information, I encourage you to contact Mr Peter Mulcahy, Principal Planning Officer, Planning Group, in the Department on 4331 5603 or by email at peter.mulcahy@dilgp.qld.gov.au.

Yours sincerely

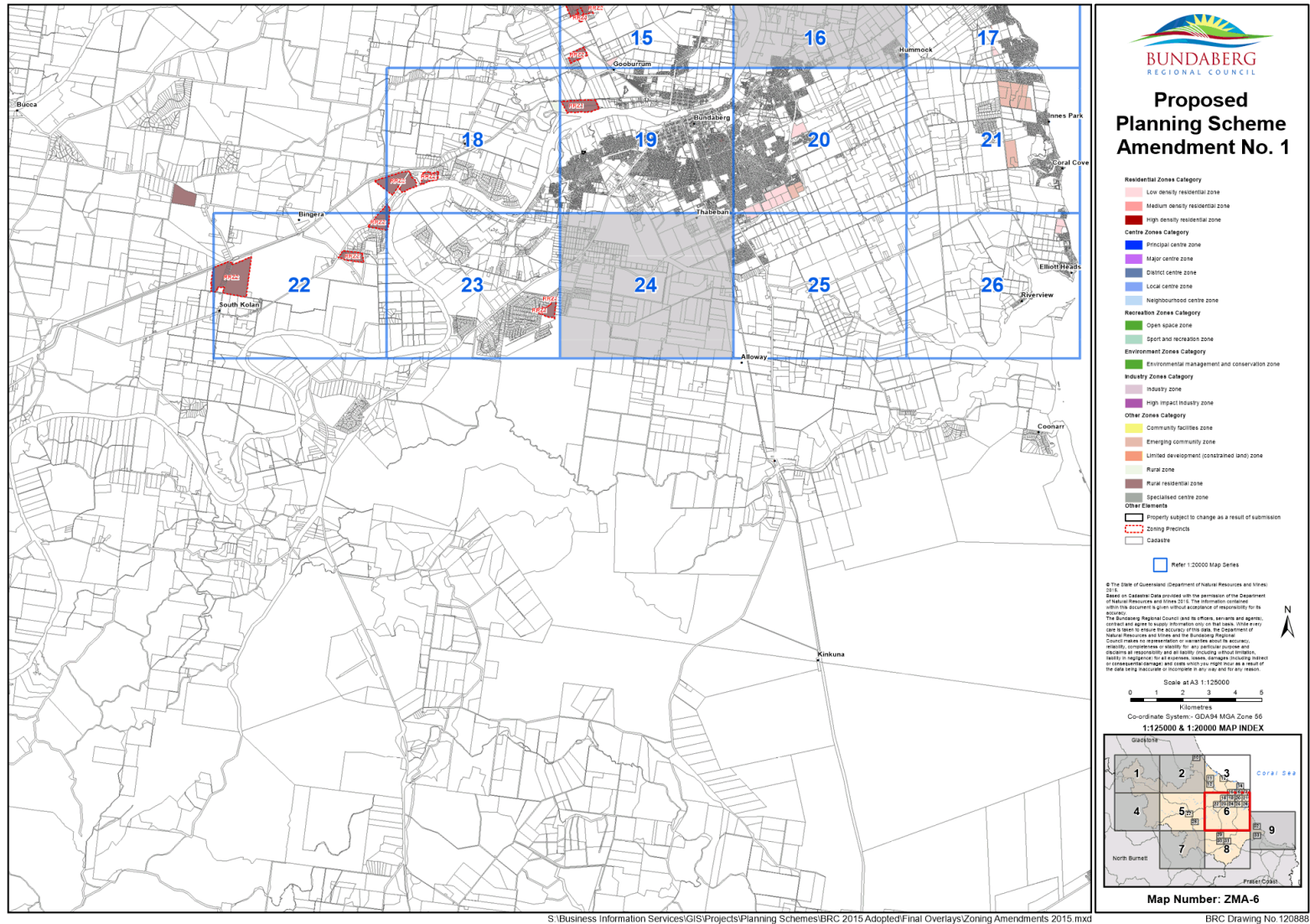
A handwritten signature in blue ink, which appears to be "Jackie Trad".

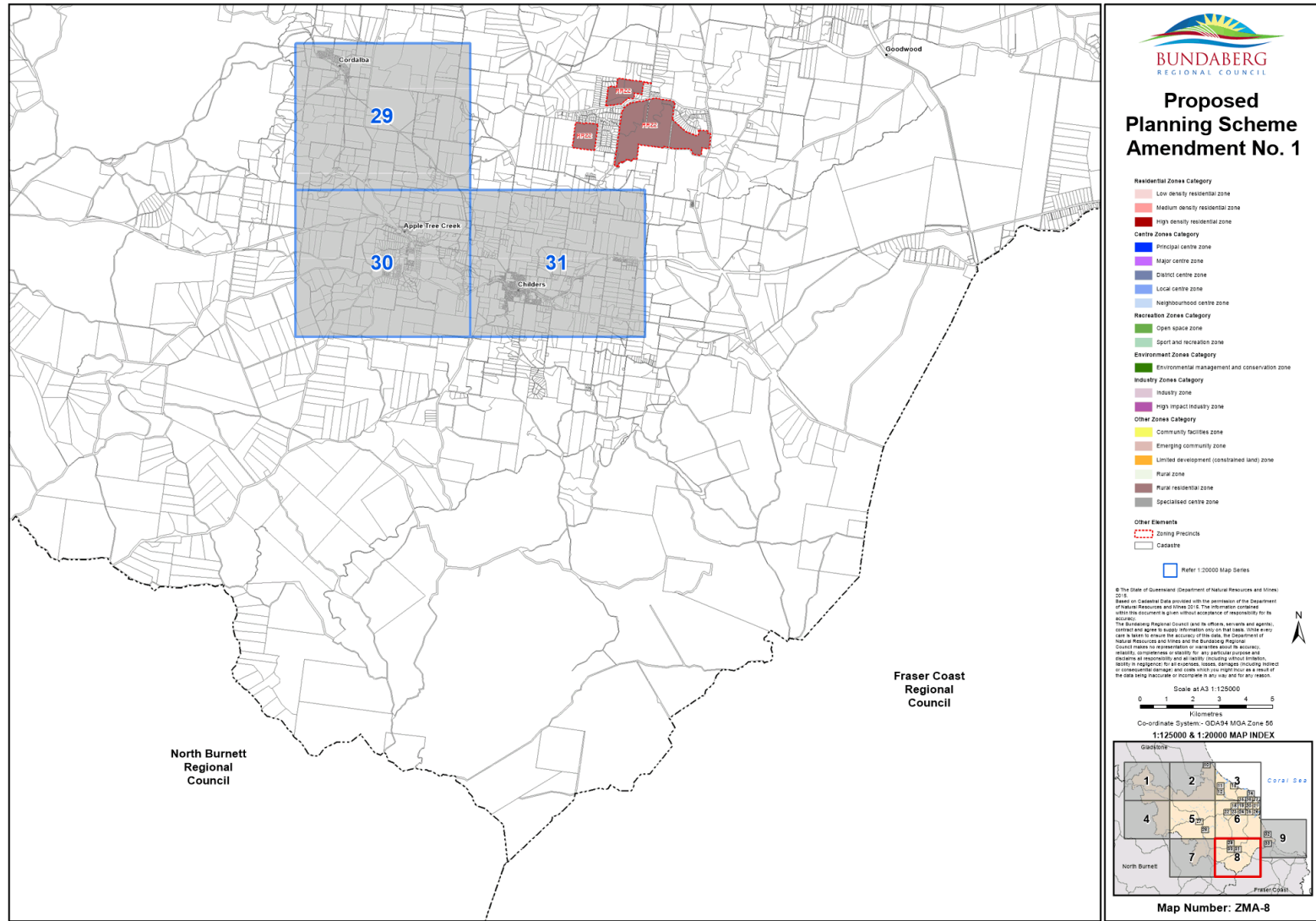
JACKIE TRAD MP
DEPUTY PREMIER
Minister for Infrastructure, Local Government and Planning
and Minister for Trade and Investment

cc Mr Peter Byrne
Chief Executive Officer
Bundaberg Regional Council

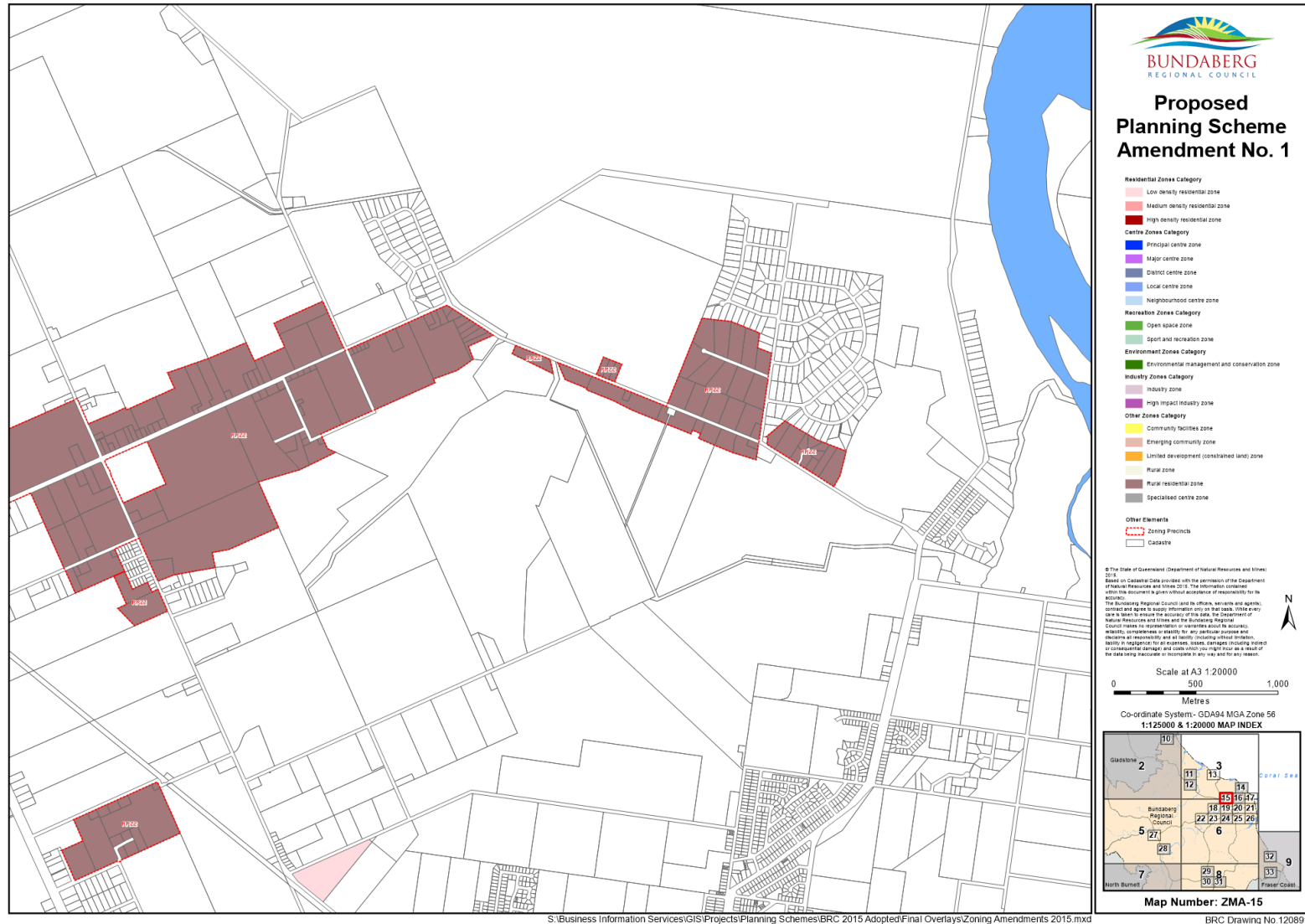




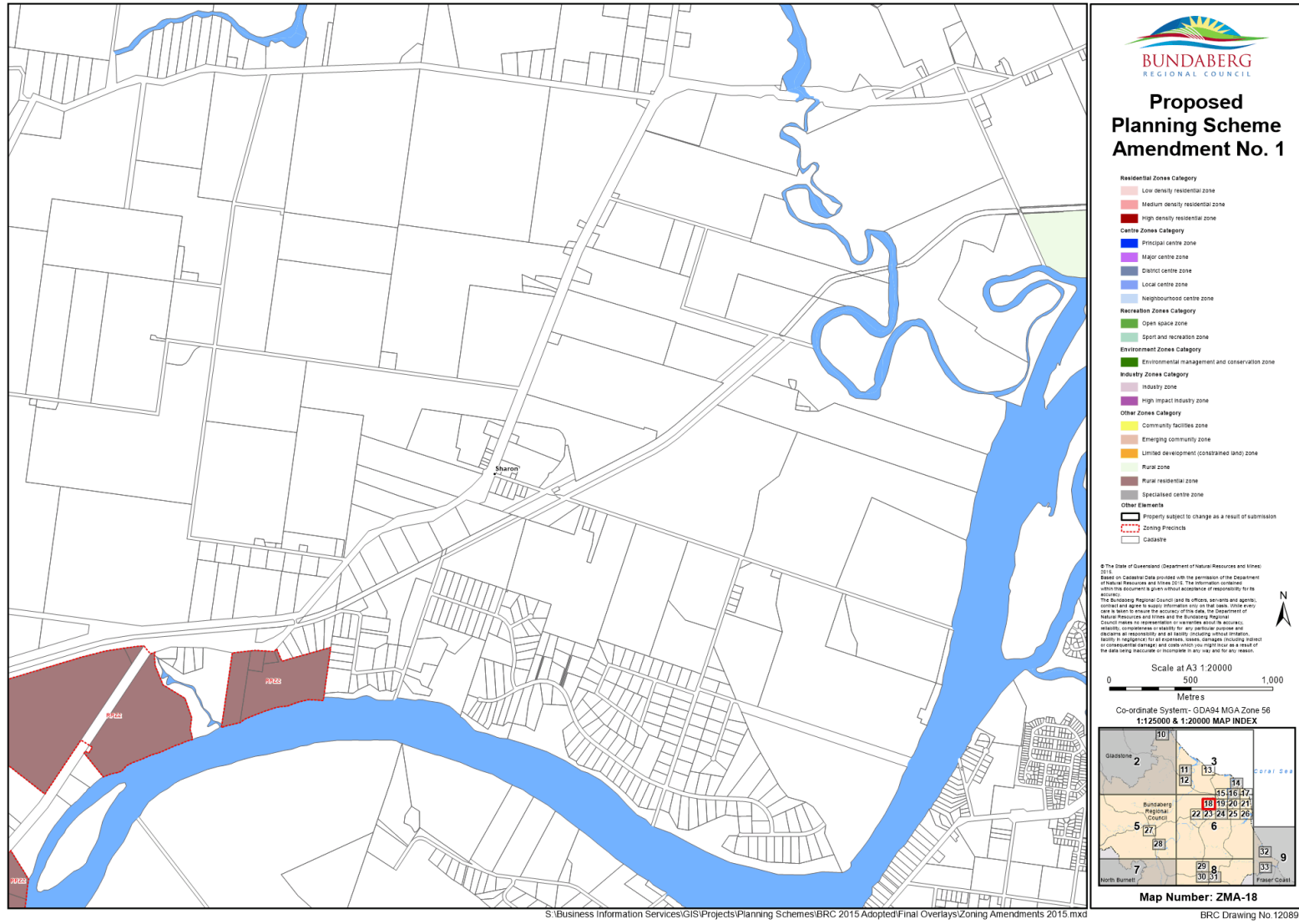


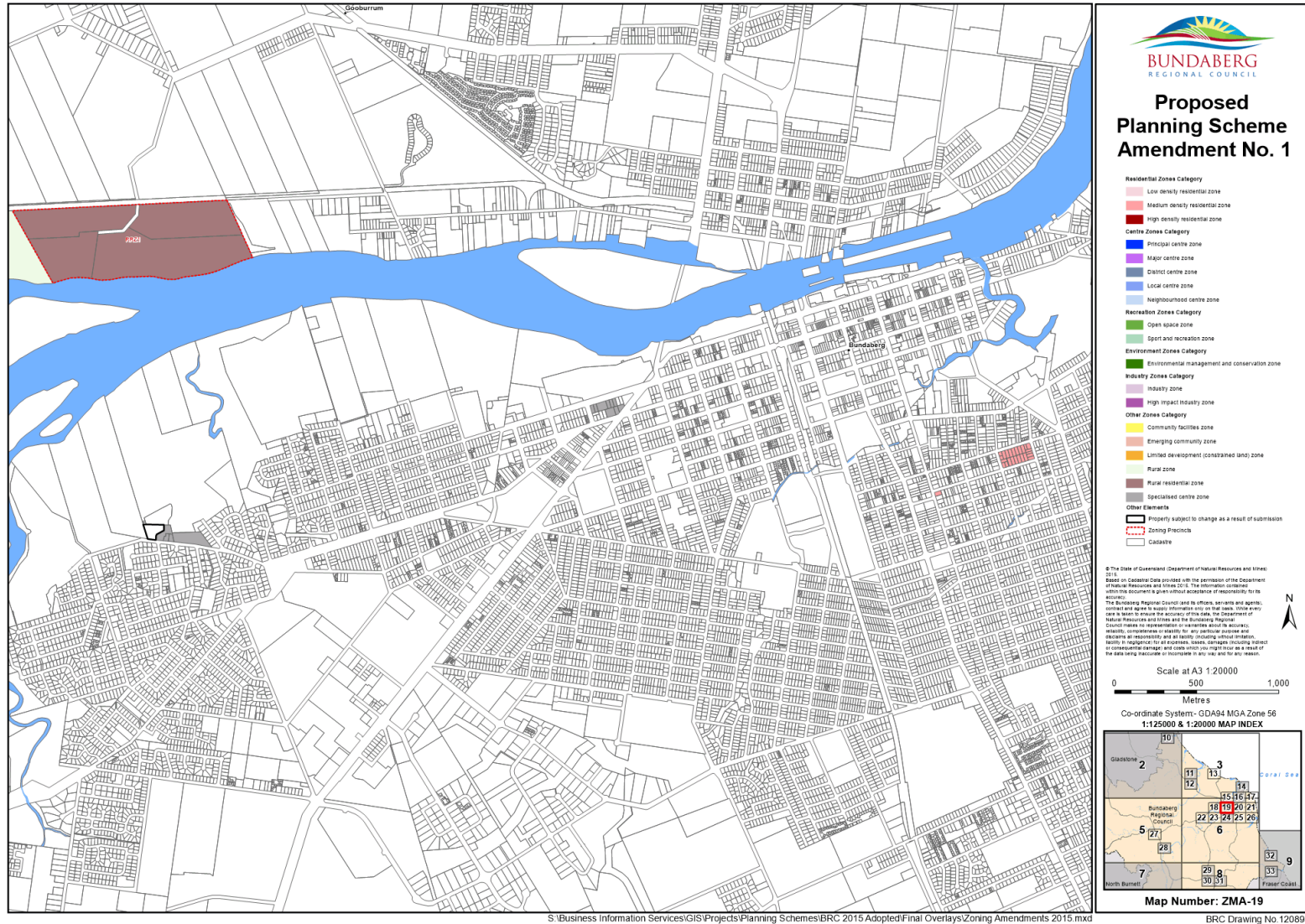






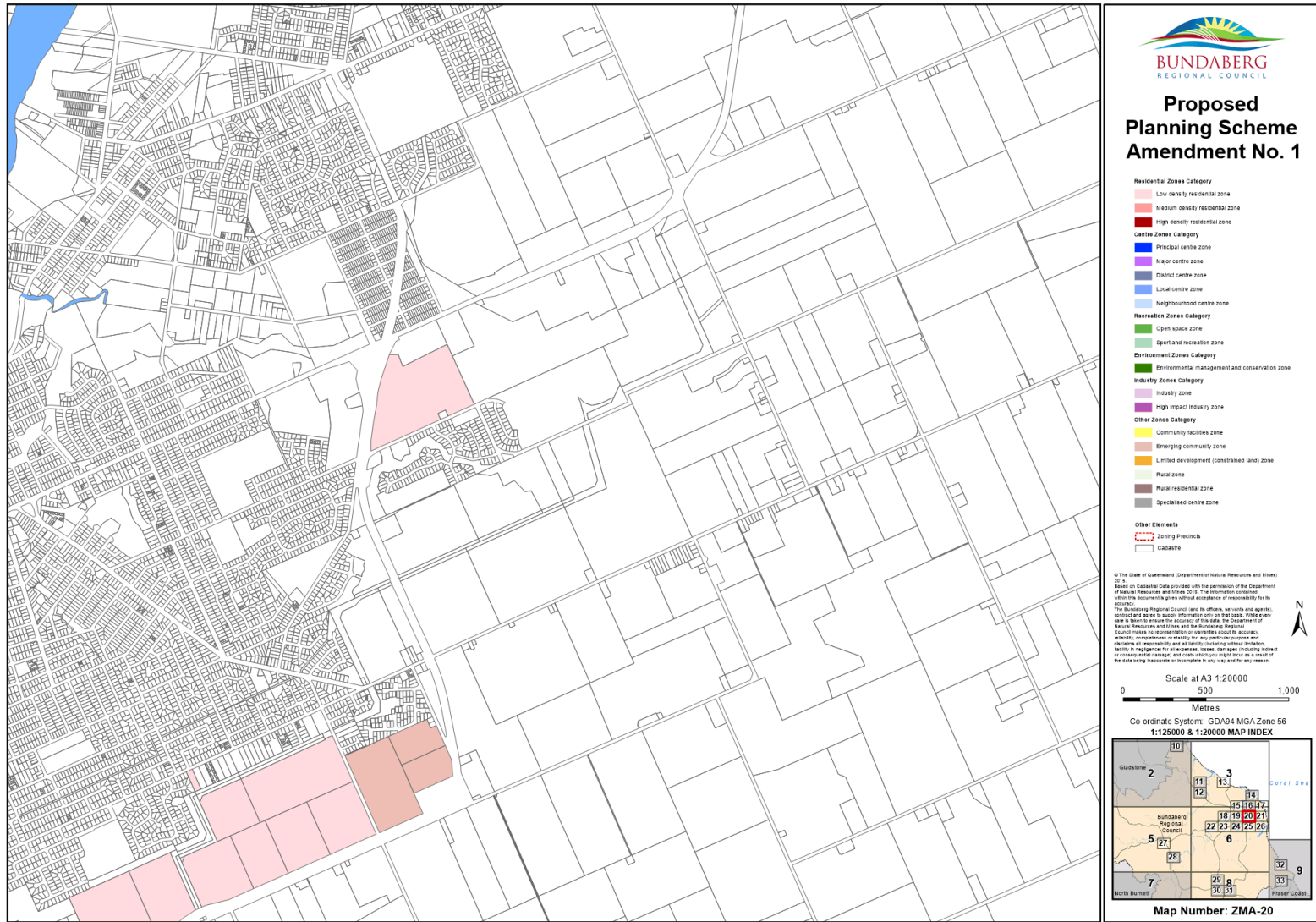






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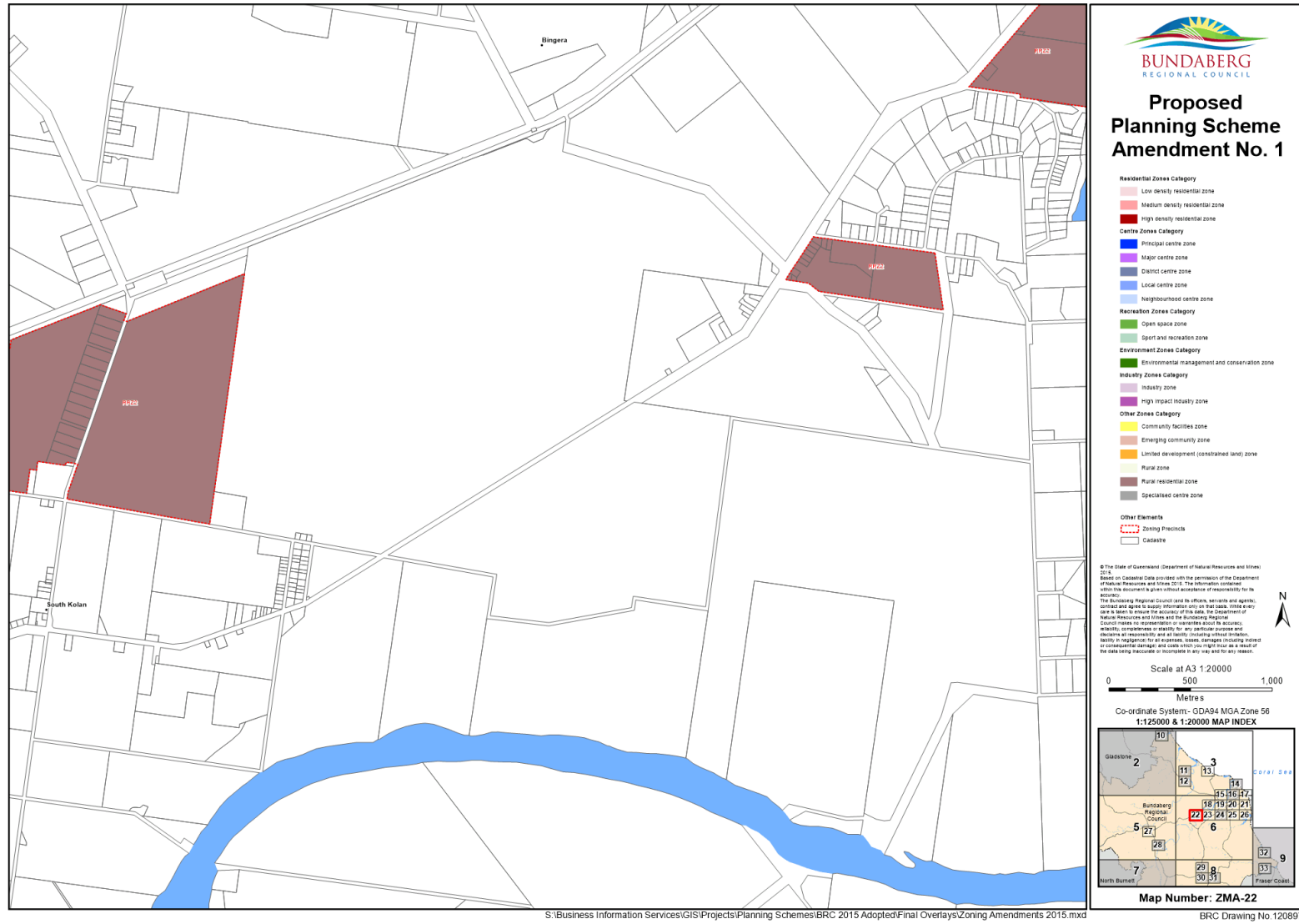
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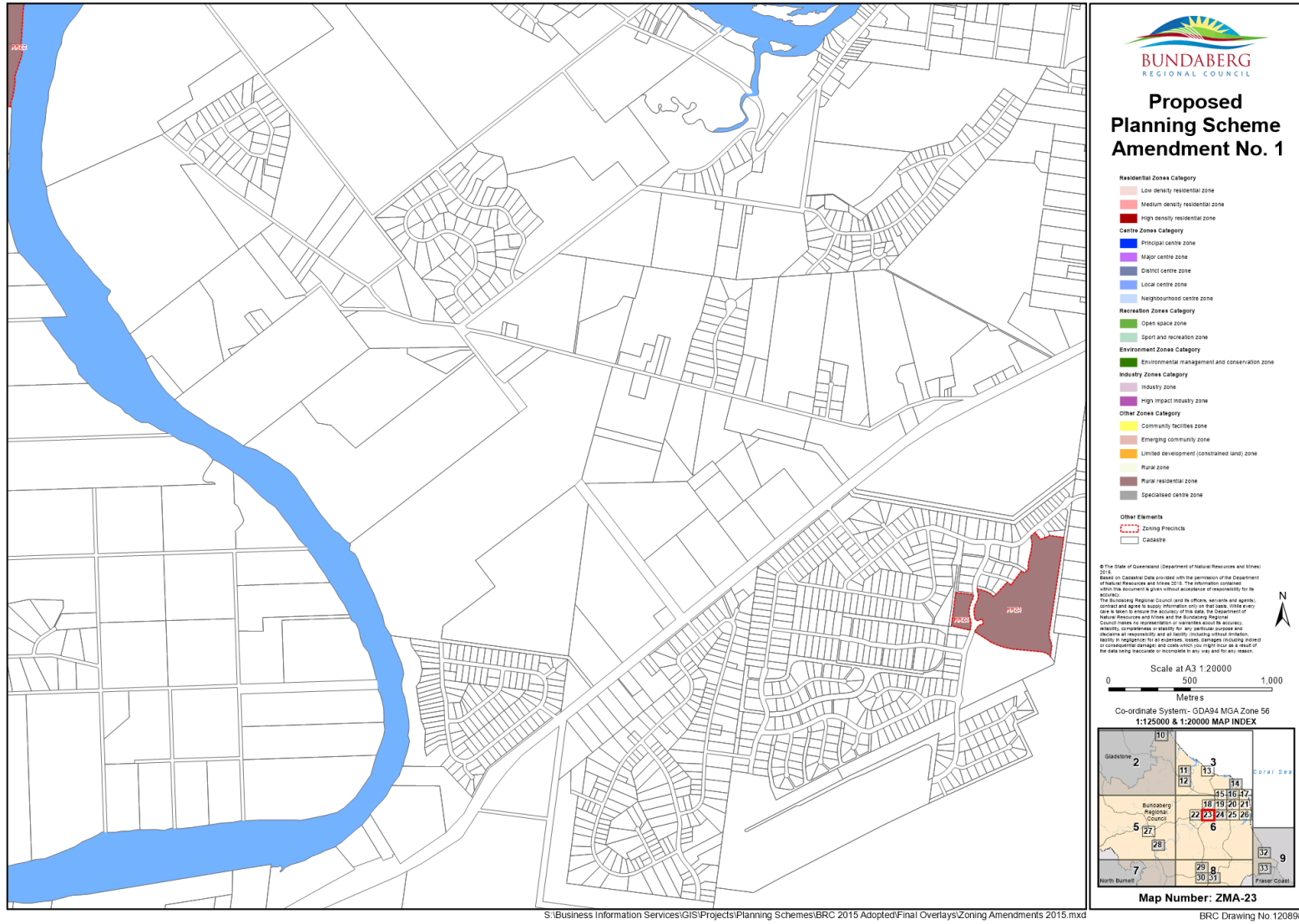


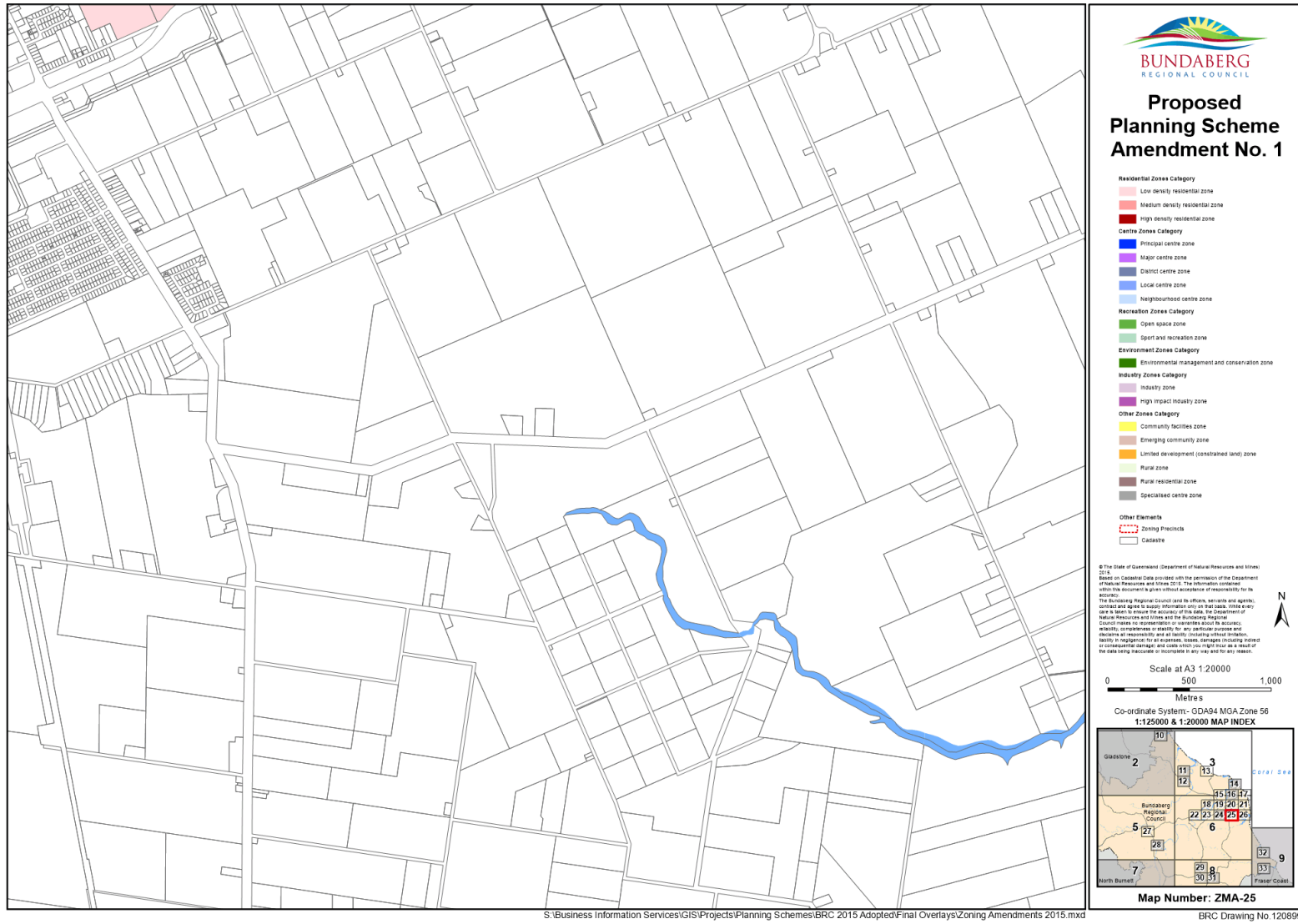
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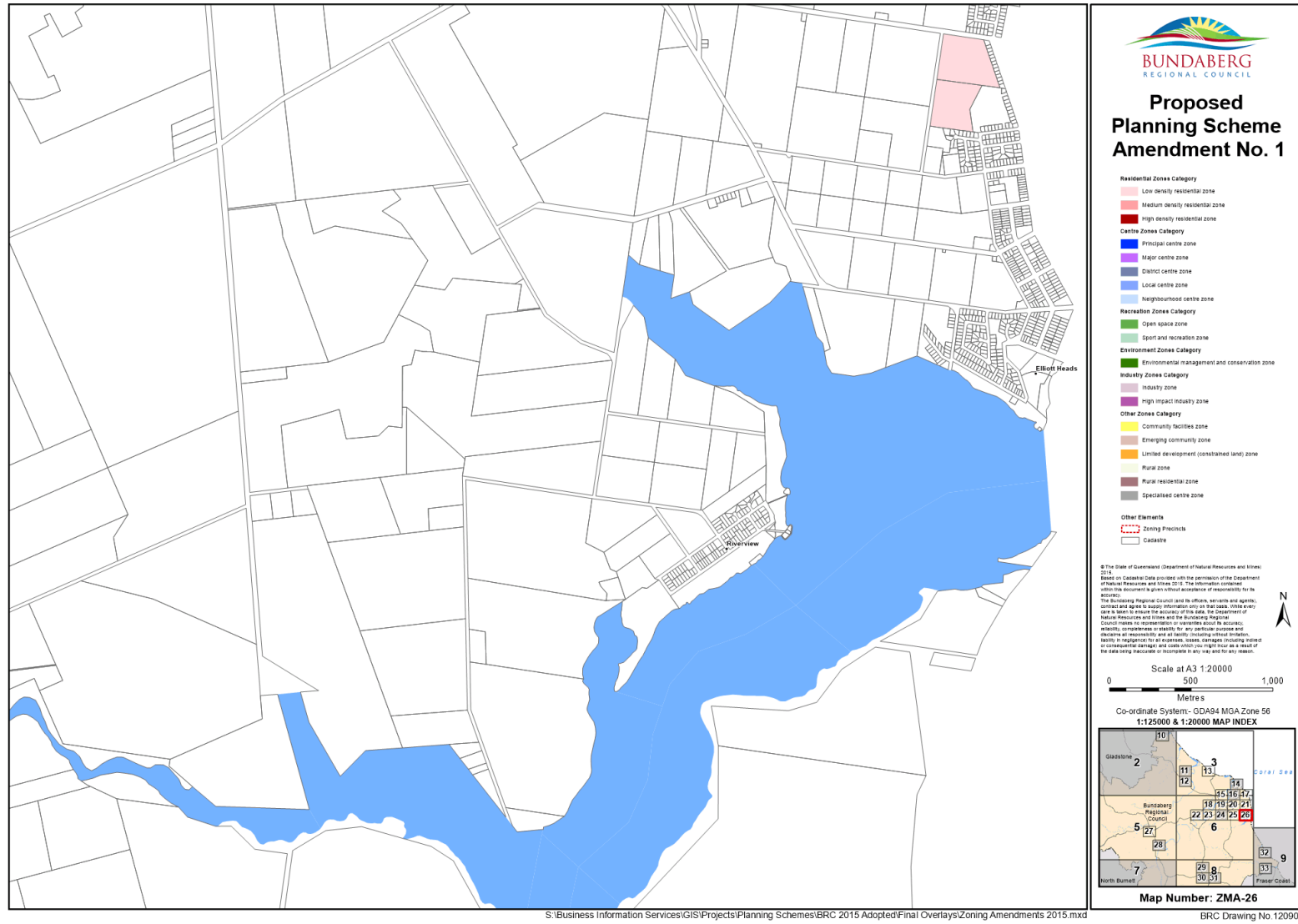
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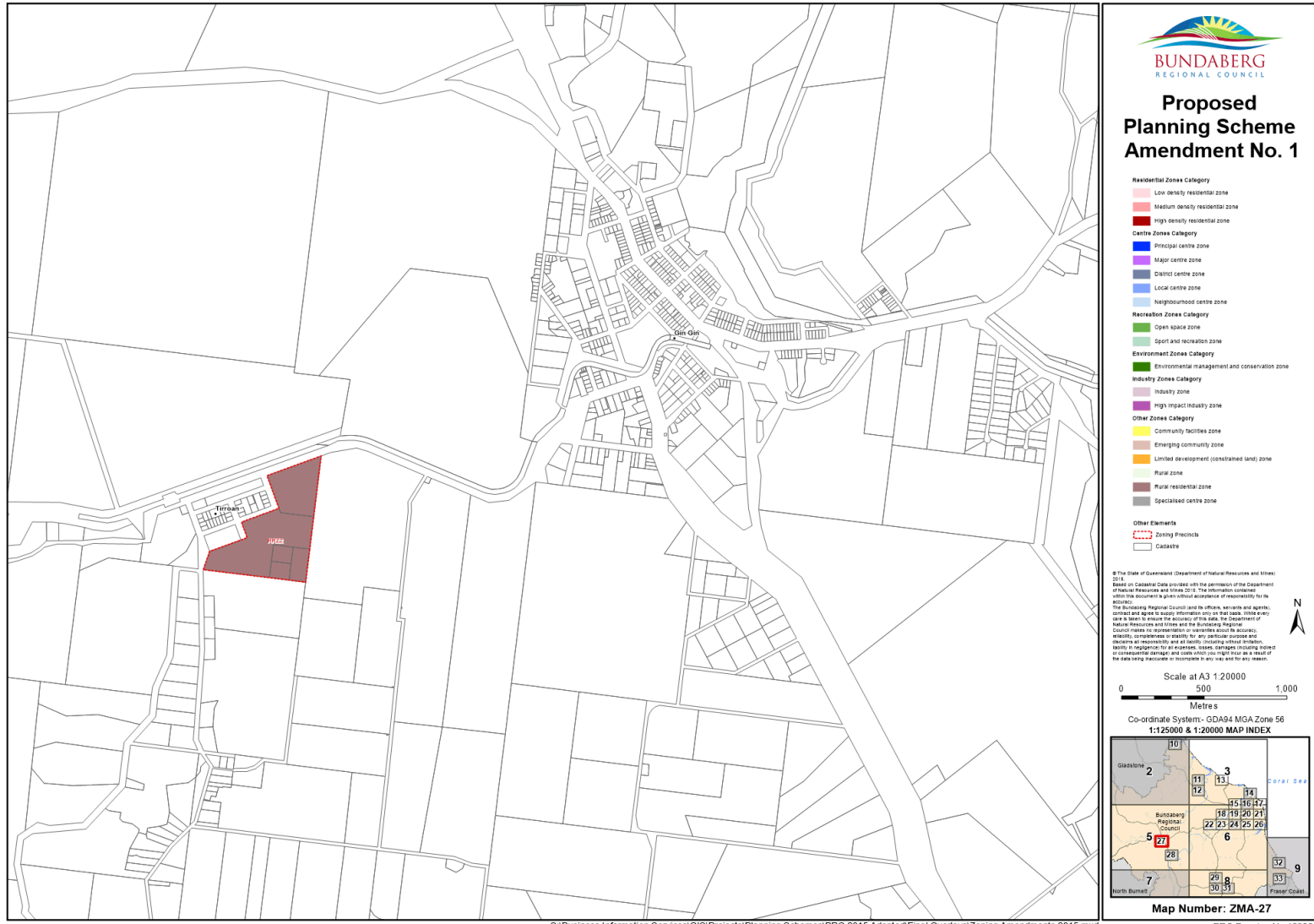












Proposed Planning Scheme Amendment
Amendment No. 1 – Amendment to Schedule 2 Mapping (Zone and Precinct Changes)

No.	Property Address	RPD	Current Zone	Current Precinct	New Zone	New Precinct	Reasons for Zone Change
URBAN ZONING CHANGES							
1.	321 Murdochs Road, Moore Park Beach	SP108763/6	Rural	N/A	Low Density Residential	N/A	<ul style="list-style-type: none"> Received a submission requesting:- <ul style="list-style-type: none"> at a minimum reinstate the extent of Residential zoning as per the (now superseded) Burnett Shire Planning Scheme; and extend the residential zone for the entirety of the lot. The Low Density Residential zone is consistent with a development approval issued by Council in 2007. This approval has since lapsed.
2.	Pandanus Street, Moore Park Beach	SP202246/1	Rural	N/A	Low Density Residential	N/A	<ul style="list-style-type: none"> Land is adjacent to land included in the Low Density Residential zone and is opposite the Moore Park Beach State School.
3.	Pandanus Street, Moore Park Beach	SP213340/306	Rural	N/A	Open Space	N/A	<ul style="list-style-type: none"> This change aligns with the zoning of adjacent lower lying land affected by flooding and storm tide inundation. The rezoning avoids rural zoned land within an urban area (i.e. the land is surrounded by urban land).
4.	36-38 Burnett Street, Bundaberg South PLUS whole street block Burnett/ Pitt/ Curtis/ Hunter Streets, Bundaberg South	RP13441/43 RP13441/44 PLUS whole street block Burnett/ Pitt/ Curtis/ Hunter Streets, Bundaberg South	Low Density Residential	N/A	Medium Density Residential	N/A	<ul style="list-style-type: none"> The properties were included in the Residential B precinct under the (now superseded) Bundaberg City Planning Scheme. The change reinstates and is consistent with the designation under the superseded Bundaberg City Plan. An assessment of the surrounding block was undertaken and it was considered appropriate to reinstate the extent of the Residential B precinct under the superseded planning scheme.
5.	Watsons Road & Wearing Road, Bargara	SP243449/13 SP198534/12 SP259467/8 SP259466/6 SP261887/10 &11 SP228667/8 RP812670/1& 2	Emerging Community and Low Density Residential	N/A	Low Density Residential and Emerging Community	N/A	<ul style="list-style-type: none"> The new zoning aligns with the most recent alignment of the Hughes Road extension. The zoning of other lots along the Hughes Road extension was undertaken – generally land to the east of the Hughes Road extension is to be included in the Low Density Residential zone, with Emerging Community over the corridor and land to the west of the corridor.
6.	Bargara Quarry, Cockerills Road, Innes Park 61 Back Windermere Road (cnr Poinciana Drive), Innes Park	RP194897/28 RP194897/29 RP194898/30 RP194898/31 RP194898/32 RP194898/35 RP129987/1 RP129987/2 RP194899/33 RP7301/21	Rural	N/A	Emerging Community	N/A	<ul style="list-style-type: none"> The land is within the coastal urban growth corridor. The land was included in the Rural zone in recognition of the previous use of the Holcim quarry. With cessation of the quarrying operations (and removal as a KRA from the State Planning Policy), the Emerging Community zone provides clarity in terms of future preferred use, consistent with adjacent lands east of Back Windermere Road.

No.	Property Address	RPD	Current Zone	Current Precinct	New Zone	New Precinct	Reasons for Zone Change
7.	Innes Park Quarry – Back Windermere Road and Coral Cove Drive, Coral Cove	RP159671/1 RP159671/2	Rural	N/A	Emerging Community	N/A	<ul style="list-style-type: none"> The land is within the coastal urban growth corridor. The land was included in the Rural zone in recognition of the previous use of the land as a quarry. With cessation of the quarrying operations on the land (and removal as a KRA from the State Planning Policy), the Emerging Community zone provides clarity in terms of future preferred use, consistent with adjacent lands east of Back Windermere Road.
8.	153A Avoca Street and 155 Avoca Street, Avoca	SP199536/10 SP199536/11 RP158559/2 SP262928/49	Industry	N/A	Specialised Centre	N/A	<ul style="list-style-type: none"> The Specialised Centre zoning provides for a better interface with residential land located on the southern side of Avoca Road.
9.	37 Moore Park Road, North Bundaberg	CK1422/2	Emerging Community	N/A	Low Density Residential	N/A	<ul style="list-style-type: none"> Adjacent to land included in the Low Density Residential zone in the same ownership.
10.	1 Takalvan Street, Bundaberg West	B15827/26 RP419/1&2 SP243475/125 RP59500/2 RP419/6-8 SP251487/15	Medium Density Residential	MDRZ1	Specialised Centre	N/A	<ul style="list-style-type: none"> A review of the city block bounded by Bourbong, Burkitt, Woongarra, and Takalvan Streets was undertaken. The zoning changes better represent the existing land uses.
11.	53 Lovers Walk, Woongarra Chards Road and Bundaberg Ring Road, Woongarra (other land north/town side of the Bundaberg Ring Road in the vicinity of Lovers Walk)	RP141027/2 SP211840/5 SP220670/1 SP213698/107 & 108 RP163516/9 RP809430/15 SP211840/2 SP209643/46 SP209643/2 RP194862/108	Rural	N/A	Low Density Residential & Emerging Community	N/A	<ul style="list-style-type: none"> The land is included in the Urban Footprint in the Wide Bay Burnett Regional Plan. Recently subject to development application/s for low density residential subdivision.
12.	Atkinsons Road and Shine Street, Elliott Heads	RP141025/1 RP148765/2	Emerging Community	N/A	Low Density Residential	N/A	<ul style="list-style-type: none"> Council considers the Low Density Residential zone better reflects Council and community expectations in terms of the nature and timing of development on the subject land.
13.	Sienna Boulevard, Ashfield	SP209621/2	Emerging Community	N/A	Low Density Residential	N/A	<ul style="list-style-type: none"> The change of zoning better reflects the current Residential A zoning of the land in the (now superseded) Bundaberg City Planning Scheme. The Low Density Residential zoning also recognises a development application lodged over the land in 2011 for residential subdivision which is currently being assessed by Council.
14.	106 McCarthy Road, Avenell Heights	RP163516/1	Community Facilities (annotation # 14 Utility installation)	N/A	Low Density Residential	N/A	<ul style="list-style-type: none"> Property was owned freehold by Council and was recently sold as a residential lot as it was surplus to Council requirements. Low density residential zoning is consistent with other properties along McCarthy Road (aside from the adjoining place of worship).
15.	104 Targo Street,	RP13432/83	Neighbourhood	N/A	Medium	N/A	<ul style="list-style-type: none"> Was not raised as part of a formal

No.	Property Address	RPD	Current Zone	Current Precinct	New Zone	New Precinct	Reasons for Zone Change
	Bundaberg South		centre		density Residential		<p>submission, but was raised via a phone enquiry.</p> <ul style="list-style-type: none"> The Medium Density Residential zone is consistent with the predominant surrounding land use. The historical commercial use on the site has been discontinued and the building removed.
CHANGES TO INCLUDE LAND IN THE RURAL RESIDENTIAL ZONE							
16.	95 and 59 Cummins Street, Oakwood	RP46039/5 RP46039/2 RP46039/4 RP46039/3	Sport and Recreation	N/A	Rural Residential	RRZ1	<ul style="list-style-type: none"> The subject land is currently a privately owned golf course (Oakwood Golf Course). Council considers the subject land to be suitable and desirable for Rural Residential development.
17.	1414 Moore Park Road, Gooburrum	RP56545/1	Rural	N/A	Rural Residential	RRZ1	<ul style="list-style-type: none"> Adjacent to land included in the Rural Residential zone. Minor extension to a Rural Residential Area identified in the Strategic Framework.
18.	34 Booloongie Road, Gooburrum	RP852140/148 and Lot 147	Rural	N/A	Rural Residential	RRZ2	<ul style="list-style-type: none"> Adjacent to land included in the Rural Residential zone. Minor extension to a Rural Residential Area identified in the Strategic Framework. Diagonally opposite Gooburrum State School.
19.	191 Gooburrum Road, Gooburrum	RP86512/1	Rural	N/A	Rural Residential	RRZ2	<ul style="list-style-type: none"> Adjacent to land included in the Rural Residential zone. Minor extension to a Rural Residential Area identified in the Strategic Framework.
20.	304 South Bucca Road, Bucca	SP220617/7	Rural	N/A	Rural Residential	N/A	<ul style="list-style-type: none"> Adjacent to land included in the Rural Residential zone. Minor extension to a Rural Residential Area identified in the Strategic Framework.
21.	541 Birthamba Road, South Kolan	CK65/203	Rural	N/A	Rural Residential	N/A	<ul style="list-style-type: none"> Adjacent to land included in the Rural Residential zone. Minor extension to a Rural Residential Area identified in the Strategic Framework.
22.	Birthamba Road, South Kolan	RP904982/19	Rural	N/A	Rural Residential	RRZ2	<ul style="list-style-type: none"> Adjacent to land included in the Rural Residential zone. Minor extension to a Rural Residential Area identified in the Strategic Framework. The subject land is close to the village of South Kolan.
23.	78 Kurths Road, South Kolan	RP86190/1 RP104642/1 RP104642/2, RP86190/3 to 10, RP58419/2, RP152668/1&2	Rural	N/A	Rural Residential	RRZ2	<ul style="list-style-type: none"> Adjacent to land included in the Rural Residential zone. Minor extension to a Rural Residential Area identified in the Strategic Framework.
24.	297 Tirroan Road, Tirroan	BON1357/186	Rural	N/A	Rural Residential	RRZ2	<ul style="list-style-type: none"> Adjacent to land included in the Rural Residential zone. Minor extension to a Rural Residential Area identified in the Strategic Framework. Land is adjacent to the village of Tirroan.

No.	Property Address	RPD	Current Zone	Current Precinct	New Zone	New Precinct	Reasons for Zone Change
CHANGES TO RURAL RESIDENTIAL ZONE PRECINCTS (MINIMUM LOT SIZE)							
25.	Various sites (refer mapping)		Various changes to Rural Residential precincts in response to submissions made on specific lots.				<ul style="list-style-type: none"> The changes recognise the location of the land, prevailing lot sizes in the surrounding area, accessibility to services, availability of infrastructure, site constraints and other characteristics. In many cases the changes correct oversights where precincts were not shown, but should have been, including changes to recognise the minimum lot sizes provided under the current planning schemes, and development approvals issued by Council.
26.	171 Gooburrum Road, Gooburrum	RP22199/4 RP70524/1	Rural Residential	N/A	Rural Residential	RRZ2	<ul style="list-style-type: none"> Lot size better represents prevailing lot sizes in the area and recognises the proximity of the land to the city of Bundaberg. Subject to a current approval for subdivision (2 lots into 6 lots), with lot sizes of minimum 4000m².
27.	15 Sergiacomi Street, Gooburrum	RP866796/2	Rural Residential	N/A	Rural Residential	RRZ1	<ul style="list-style-type: none"> Lot size better represents prevailing lot sizes in the area. Adjacent to Low Density Residential lots approx. 1000m² in area. It was an oversight not to include this property in a precinct (also noting this property is currently 2 hectares in area).
28.	Birthumba Road, South Kolan	RP144822/2	Rural Residential	N/A	Rural Residential	RRZ2	<ul style="list-style-type: none"> Lot size better represents prevailing lot sizes in the area and recognises the proximity of the land to the village of South Kolan.
29.	53 Woods Road, Sharon	SP162013/2	Rural Residential	N/A	Rural Residential	RRZ2	<ul style="list-style-type: none"> Lot size better represents prevailing lot sizes in the area and recognises the location of the land, which is close to the villages of Sharon and South Kolan.
30.	1333 Gin Gin Road, Sharon	RP141017/9	Rural Residential	N/A	Rural Residential	RRZ2	<ul style="list-style-type: none"> Lot size better represents prevailing lot sizes in the area and recognises the proximity of the land to the village of Sharon. Lot size is more consistent with the existing minimum lot size identified for this land in the (now superseded) Burnett Shire Planning Scheme (Hinterland Residential Zone Area 4; 6000m² minimum lot size).
31.	183 Tantitha Road, Gooburrum	RP845734/5	Rural Residential	N/A	Rural Residential	RRZ2	<ul style="list-style-type: none"> Lot size better represents prevailing lot sizes in the area and recognises the proximity of the land to the city of Bundaberg.
32.	Parklands Drive, Branyan	SP274158/513	Rural Residential	RRZ2	Rural Residential	RRZ1	<ul style="list-style-type: none"> The change of precinct for the north-eastern portion of Lot 513 (off Polo Place) is consistent with a development approval for subdivision into minimum 2000m² lots.
33.	93 Oakwood School Road, Oakwood	SP199526/11	Rural Residential	N/A	Rural Residential	RRZ2	<ul style="list-style-type: none"> Lot size better represents prevailing lot sizes in the area and recognises the proximity of the land to the city of Bundaberg. Lot size is consistent with the minimum lot size identified for

No.	Property Address	RPD	Current Zone	Current Precinct	New Zone	New Precinct	Reasons for Zone Change
							adjacent land included in the Hinterland Residential zone in the (now superseded) Burnett Shire Planning Scheme (Area 3, 4000m ² minimum lot size).
34.	1581 Gin Gin Road, Sharon	RP148448/1	Rural Residential	N/A	Rural Residential	RRZ2	<ul style="list-style-type: none"> Lot size better represents prevailing lot sizes in the area and recognises the location of the land, which is close to the villages of Sharon and South Kolan.
35.	15 Sergiacomi Street, Gooburrum	RP866796/2	Rural Residential	N/A	Rural Residential	RRZ1	<ul style="list-style-type: none"> Lot size better represents prevailing lot sizes in the area. Adjacent to Low Density Residential lots approx. 1000m² in area. It was an oversight not to include this property in a precinct (also noting this property is currently 2 hectares in area).
36.	3 Booloongie Road, Gooburrum	SP105784/2	Rural Residential	N/A	Rural Residential	RRZ2	<ul style="list-style-type: none"> Lot size better represents prevailing lot sizes in the area and the proximity of the land to the city of Bundaberg. The land is opposite the Gooburrum State School. It was an oversight not to include this property in a precinct (also noting this property is less than 2 hectares in area).
OTHER CHANGES							
37.	Oakwood Road, Oakwood	RP46039/1	Rural Residential	N/A	Rural	N/A	<ul style="list-style-type: none"> Zoning change requested by the land owner. The Rural zone reflects the use of the land for agricultural production.



Item

07 June 2016

Item Number:	File Number:	Part:
K1	321.2015.44237.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

135 Sauers Road, Kalkie - Reconfiguring a Lot - 1 Lot into 4 Lots

Report Author:

Gail Downie, Senior 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	321.2015.44237.1
PROPOSAL	Reconfiguring a Lot - 1 Lot into 4 Lots
APPLICANT	JS Portas & JM Portas
OWNER	JS Portas & JM Portas
PROPERTY DESCRIPTION	Lot 3 on SP138074
ADDRESS	135 Sauers Road, Kalkie
PLANNING SCHEME	Planning Scheme for Bundaberg City (2004-2015)
PRECINCT	Rural Precinct (Local Area 6)
OVERLAYS	Acid Sulfate Soils – Area 2 Structure Plan: Non-Urban
LEVEL OF ASSESSMENT	Impact
SITE AREA	2 hectares
CURRENT USE	Rural Residential
PROPERLY MADE DATE	18 September 2015
STATUS	The 20 business day decision period ended on 23 December 2015
REFERRAL AGENCIES	Nil
NO OF SUBMITTERS	Nil
PREVIOUS APPROVALS	Court Order set down on 23 August 2000 – One lot into two lots rural subdivision
SITE INSPECTION CONDUCTED	24 February 2016
Current Planning Scheme	Bundaberg Regional Council Planning Scheme 2015
Zoning	Rural
Local Plan	Kalkie Ashfield Local Development Area
Overlays	Acid Sulfate – Area 2 – Land above 5 metres AHD and below 20 metres AHD SPP Agricultural Land – Class B (small portion at western boundary)

	Steep Land (part) SPP Airport & Aviation Facilities: Operational Airspace; Runways Buffer – Wildlife Hazard Buffer Zone – 13 km and Lighting area buffer.
LEVEL OF DELEGATION	Level 3

1. INTRODUCTION

1.1 Proposal

This is an application for the issue of a Development Permit for a Lot Reconfiguration to subdivide the existing single lot into four lots – nominated as Lots 1, 2, 3 and 4.

Proposed Lot 1 will contain an area of 4,175 square metres, have a 46 metre frontage to Sauer's Road and contain the existing two sheds. Proposed Lot 2 will contain an area of 4,000 square metres and have a 39.455 metre frontage to Sauer's Road and contain the existing dwelling, septic tank and rainwater tank. Proposed Lot 4 will contain an area of 4,005 square metres and have a 39.5 metre frontage to Sauer's Road. Proposed Lot 5 will have an area of 7,821 square metres and gain access to Sauer's Road via a 5.0 metre wide access handle (80.051 metres long) along the western boundary of proposed Lot 1.

A 20 metre wide vegetative buffer is proposed to the northern and eastern boundaries of proposed Lot 4 to minimise potential conflict with agricultural activities on the adjoining lot.

The site is not serviced by reticulated water supply or sewerage. The Applicants intend that water will be provided by on-site rainwater tanks and sewage by on-site wastewater disposal units.

It should be noted that in October 1999, Bundaberg City Council refused an application under the Planning Scheme for Woongarra Shire – to subdivide one lot into four lots for this land's previous parent lot. Subsequently the Applicants appealed this decision and a Court Order was set down on 23 August 2000 for a "rural subdivision" to excise the current site from a larger parcel.

1.2 Site Description

The site comprises a single rural residential style lot at Sauer's Road, approximately opposite the Gahan's Road intersection. The site contains a single storey brick dwelling and two outbuildings.

The site is encumbered by Easement F on RP164385 along the western boundary to benefit SunWater.

Overhead electricity supply exists at the Sauer's Road frontage of the site.

Sauer's Road in this located is constructed to a width ranging from 4.0 metres to 7.0 metres. There is no kerb and channelling in Sauer's Road.

The site has a highpoint of 15.5 metres AHD close to mid-frontage with a multi-directional fall to the west, north and east.

The site is surrounded on all sides by "Non-Urban" precinct land, currently used for agriculture, grazing and rural-residential development. Land to the south - opposite

the site - is also included in the “Non Urban” precinct and is used for agriculture or grazing purposes. Further to the south is the Seymore Avenue (Nareen Housing Estate) and the Paddington Grove housing estate.

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 2004-2015

Bundaberg Regional Council Planning Scheme 2015-

Under Section 317 of the *Sustainable Planning Act 2009*, the Assessment Manager may give weight to any later planning instrument, code, law or policy that came into effect after the application was made, but before the day the decision stage for the application started. This application was deemed properly made on 18 September 2015 and the decision stage for this application started on 25 November 2015. The Bundaberg Regional Council Planning Scheme 2015 commenced operation on 19 October 2015. This Planning Scheme commenced during this application’s Information Response period and prior to public notification of the reconfiguring a lot proposal.

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:

Discussion on the application will occur under the following headings: Planning Scheme for Bundaberg City 2004-2015; Wide Bay Burnett Regional Plan, Bundaberg Regional Council Planning Scheme 2015, Applicant’s Comments on Draft Planning Report and Conclusions.

Planning Scheme for Bundaberg City 2004-2015

Lot Reconfiguration Code:

The site is included in the “Non Urban” precinct under the provisions of the Planning Scheme for Bundaberg City 2004-2015. Subdivision where the proposed allotment size and dimensions do not comply with Table 4.7 prescribed within the Lot Reconfiguration Code (in the case of the “Non-Urban” precinct - the minimum area is 40 hectares and minimum frontage is 400 metres) - represents Impact Assessable development.

The purpose of this Code is to facilitate the creation of a variety of serviced flood-free allotments that meet the diverse needs of the community while ensuring that adverse off-site impacts are limited, that the sub-division design is capable of integration with likely future development and that adequate open space is provided.

The proposal seeks to create three additional lots – with areas ranging from 4,000 square metres to 7821 square metres – substantially smaller than the 40 hectares minimum area stipulated in the Lot Reconfiguration Code for “Non-Urban” precinct lots. The existing parcel of land is already well below the minimum area and dimension criteria. Lot frontages range from 5.003 metres for the hatchet-shaped Lot (Lot 4) to 46.037 metres for proposed Lot 1 – all substantially less than the minimum of 400 metres stipulated in the Lot Reconfiguration Code.

The proposal is insular and does not allow for integration with likely future development in the area. The proposed new lots will also not be provided with reticulated water supply or sewerage services.

It is considered that the proposal is not consistent with the Lot Reconfiguration Code.

Local Area 6 – Eastern Bundaberg Planning Intent stipulates:

“1. Eastern Bundaberg will have a suburban character, with rural activities such as agriculture remaining on land unsuitable for urban development or on land not required for urban development within the life of the Planning Scheme.”

The Planning Scheme’s future intent for this area – as shown on the Structure Plan – designates the land as “Non Urban” – therefore indicating that during the life of the planning scheme the land is not needed for urban development. It is to be noted that the new Planning Scheme for Bundaberg Regional Council (which commenced operation on 19 October 2015) also includes the land within a “Rural” zoning – further reinforcing the future intended use of the site as “rural”, and not needed for development within the life of the Bundaberg Regional Council Planning Scheme 2015.

Structure Plan:

The land has a “Non Urban” designation under the Structure Plan (Map 2.1). The Structure Plan provides a spatial representation of the Planning Scheme’s strategies.

The City Planning Strategy *advances ecological sustainability in Bundaberg by providing Key Strategies and supporting measures to assist in facilitating achievement of the Desired Environmental Outcomes (DEOs). In particular the City Planning Strategy performs the following functions:*

- (a) Identifies key strategies and primary measures which facilitate the achievement of the DEOs;*
- (b) Provides a policy framework for co-ordinating the activities of public and private development agencies to promote the achievement of the DEOs;*
- (c) Guides assessment of and decisions on development proposals, particularly in regard to location, site suitability and potential impact;*
- (d) Provides a spatial representation of the strategies in the Structure Plan (Map 2.1) and*
- (e) Provides a tabulation of the relevance of the key strategies to the various local areas.*

Although this application represents Impact assessable development, assessable against all aspects of the Planning Scheme for Bundaberg City 2004-2015, the Applicant has only provided a minimal assessment against the Non-Urban Strategy – stating that *“the land is not currently used for agriculture and has not been for the past 25 years. The agricultural potential of the site is compromised by its small area”*.

The subject site was created via a Court Order in 2000, and aerial photographs from 2000 indicate that the rear section of the land was under sugarcane cultivation, with earlier photographs depicting the land under cultivation.

Desired Environmental Outcomes (DEOs):

Limited assessment against the Desired Environmental Outcomes has been provided in the application – regarding DEO4 - Built Environment. No assessment of DEO3 – Infrastructure was made – however DEO3 stipulates the “*provision of sequential, cost-effective infrastructure to service all urban development*”. This DEO is achieved by the Strategies of the Planning Scheme which supports the creation of only fully-serviced new lots in the City Planning Scheme area.

It is considered that assessment against the following Strategies is relevant to the proposed development.

Non-Urban Strategy: In accordance with the principles of ecological sustainability the Planning Scheme seeks to protect Bundaberg’s resources or areas of economic value such as good quality agricultural land. Agriculture is important to the region’s economy and the current cane assignment should be protected from incompatible land uses (ie rural residential development) to maintain flexibility in future use.

The Non-Urban Strategy includes the following key Strategies:

- “7.1 *Good Quality Agricultural Land is protected from incompatible development (Relevant)*
- “7.2 *Land currently used for agriculture is to be retained unless an overriding and demonstrable need for an alternative land use can be substantiated (Most Relevant);*
- “7.3 *New urban development does not compromise the existing productive agricultural use of land in the Non-Urban Precinct (Relevant)*
- “7.4 *Land shown as Non-Urban on the Structure Plan (not being under cane assignment or existing rural residential use) is not used for urban development during the life of the Planning Scheme (Relevant)*
- “7.5 *The fragmentation of Non-Urban areas by the creation of residential allotments is inappropriate during the life of this Planning Scheme (Most Relevant)*

The Non-Urban Strategy’s Preferred Settlement Pattern and Development Characteristics includes:

- “1. *Land included in the Non-Urban Precinct in the Local Areas maps are generally expected to continue in current use over the next 10 to 15 years and these lands will not be approved for closer subdivision or urban purposes.*
- “2. *The creation of residential allotments in Non-Urban areas often fragments farmland and may lead to land use conflicts between residential and rural uses. Single residential allotments ie concessional lots and family excisions, should not be located in Non-Urban areas, particularly in good quality agricultural land.”*

Aerial photography records and a site inspection confirms that the land surrounding the site has been – and continues to be – used for agricultural purposes. The proposal plan provides for a 20 metre buffer to the full northern boundary of the site, and for a 20 metre buffer only on the eastern boundary of the hatchet-shaped lot. No buffer is proposed on the eastern boundary of proposed Lot 3 – where this proposed new lot adjoins the farming land.

The Applicant has indicated that this lot will rely on the existing vegetation and take advantage of the “headland” on the adjoining farming land. It is considered that the provision of an adequate buffer on proposed Lot 3 will place severe restriction on the placement of a new dwelling house on this lot. The proposal to utilise the existing headland on the adjoining lot is not valid, as this lot did not form part of the application, and therefore the proposal cannot rely on this land being left as a headland. It is considered that the subdivision proposed will further erode the 40 metre eastern buffer that exists between the existing dwelling on the lot, and the adjoining agricultural/ Non-Urban zoned land.

It is considered that the proposal constitutes further fragmentation of “Non-Urban” areas and will be a potential source of incompatible land use/development adjacent to farming land uses. The proposal is in direct conflict with Key Strategies 7.1, 7.3, 7.4 and 7.5 of the “Non Urban” strategy.

The area bounded by Kirby’s Road, McGill’s Road and Sauer’s Road, Kalkie is included in the “Non-Urban” precinct, and contains an area of approximately 200 hectares. Agriculture and grazing are currently the predominant land uses on these lots and it is considered that further fragmentation of the area for rural-residential lots is contrary to the Planning Scheme for Bundaberg City 2004-2015.

The proposal is also in conflict with the Non-Urban Strategy’s preferred settlement pattern – items 1 and 2.

Development Servicing and Sequencing Strategy - *In order to achieve the vision of the City for the cost-effective provision of infrastructure, development needs to occur in an orderly manner. The Key Strategy is:*

*“8.1 Development occurs in a manner that allows for the efficient and affordable provision and on-going maintenance of utility infrastructure **[Most Relevant]**”.*

The Preferred Settlement Pattern and Development Characteristics include:

“2. Urban developments will not be approved unless they can be connected to the City’s reticulated water and sewerage systems.”

The Planning Scheme for Bundaberg City (2004-2015) supports development for urban purposes only where developments are connected to the City’s reticulated water and reticulated sewerage system. Although the development site is included in the “Urban Footprint” of the Wide Bay Burnett Regional Plan – the Applicants do not propose to extend reticulated water supply or reticulated sewerage to the proposed new lots. This is in direct conflict with the Development Servicing and Sequencing Strategy.

Residential Strategy: *An important function of the Planning Scheme is to facilitate the provision of an adequate supply of serviced land, free of natural or man-made hazards. In order to achieve the DEOs of the Plan, housing areas should be safe and attractive and be conveniently located in relation to local and major urban facilities and employment. Housing should also provide a choice of locations and lifestyles. Key Strategies include:*

*“..1.2 An adequate supply of serviced urban residential land with an acceptable level of flood immunity is available to satisfy the housing needs of the future population **[Most Relevant]**;*

“..1.5 The existing urban form is consolidated by limiting the creation of rural-residential lots [Relevant].”

The Preferred Settlement pattern and development characteristics of the Residential Strategy includes:

“..4. Further rural-residential development is contrary to the desired environmental outcomes because of the need to protect good quality agricultural land and such development does not represent an efficient use of land/services;

“...8. Urban residential land shown on the Structure Plan is intended to provide for the future residential growth of the City. New residential development will require connection to the City’s existing reticulated water supply system and reticulated sewerage system.”

“..9. New development should provide effective buffering from areas of incompatible land use and environmental sensitivity.

Any area, structure or physical feature provided to serve as a buffer is to be designed to be visually attractive and compatible with the desired character of the locality”.

The proposal is for the creation of an additional three allotments – all of which will not be provided with necessary reticulated services (namely water supply and sewerage). The 2004-2015 Planning Scheme for Bundaberg City does not support the creation of un-serviced allotments. The site is included in the “Urban Footprint” of the Wide Bay Burnett Regional Plan which identifies that development of the land included in the “Urban Footprint” will be controlled by Council Planning Schemes.

The Planning Scheme for Bundaberg City 2004-2015 includes the site in a “Non Urban” precinct reinforcing that the land is not needed for urban development during the life of this planning scheme. [It is noted also that the Bundaberg Regional Planning Scheme 2015 also recognises that the land is not needed for urban development during the life of that Planning Scheme].

The site has a “Non-Urban” designation under the Structure Plan. It is considered that the Applicant has ignored the Key strategies regarding the production of “rural residential” and “un-serviced residential lots”. It should be noted that the land immediately across Sauer’s Road from the site is included in an “Emerging Community” zone, and any development of this land will be required to be provided with all relevant services – reticulated water and sewerage, electricity and adequate stormwater disposal system, etc. Council’s new Rubyanna Wastewater Treatment Plant will commence construction in the near future, and at that time, reticulated sewerage will be more accessible in the immediate area of the site.

It is considered that the proposal does not satisfy the Planning Scheme’s Strategies and DEOs and therefore the proposal land is deemed to be not needed or eligible for further subdivision until the necessary services – reticulated water supply and reticulated sewerage - are provided to the site.

Wide Bay Burnett Regional Plan

The site is included within the “Urban Footprint – Development Area (Kalkie-Ashfield Development Area)” designation of the Wide Bay Burnett Regional Plan.

The “Urban Footprint” provides capacity for additional dwellings as well as commercial and industrial uses. The Kalkie-Ashfield Development Area provides a significant opportunity to accommodate future residential growth in Bundaberg.

The Regional Plan states that “Development of the Kalkie-Ashfield Development Area will not occur until further detailed planning is undertaken and endorsed. Infrastructure planning and investment will be necessary to ensure that Kalkie-Ashfield can support a substantial proportion of the envisaged growth for Bundaberg. The interface with adjacent agricultural land requires specific consideration to achieve satisfactory separation between these agricultural areas and sensitive land uses.

“Sequencing of urban development and infrastructure provision will prioritise the management and progress of growth for Bundaberg.”

The Regional Plan envisages that *“the anticipated growth in the region presents challenges for the efficient use of land in terms of function, density, location and provision of infrastructure to meet demand.*

Substantial growth is achieved through a balance between economic prosperity, meeting the needs of current and future generations and the responsible use and protection of the environment and natural resources. ...The capacity of land that is available for infill and broad-hectare growth opportunities within and outside the “Urban Footprint” will be determined through Local Government Planning Schemes.

Both the Planning Scheme for Bundaberg City (2004-2015) and the Bundaberg Regional Council Planning Scheme 2015 include the site in a “Non-urban” precinct or a “Rural” zone, therefore indicating that the land will not be needed for urban use during the life of both planning schemes. The provision of necessary services to all future lots in the Kalkie-Ashfield development area is vital for the achievement of the population densities (12 to 15 dwellings per hectare) sought by the Wide Bay-Burnett Regional Plan as well as support Council’s investment in major infrastructure (eg the Rubyanna Wastewater Treatment Facility) to develop the area.

If Council is minded to support the creation of additional un-serviced lots by the subdivision of “Non-Urban” precinct and/or “Rural” zoned land in the Kalkie-Ashfield local development area, it considered that this will in turn, constitute a precedent for further un-serviced lot subdivision applications in the area. It is considered that this will seriously undermine Council’s Infrastructure provision strategy for the Kalkie-Ashfield Development Area and place significant financial strain on future infrastructure returns from serviced developments in that area. The proposed development is in contravention of Council’s planning schemes – both the 2004-2015 scheme and also the newly gazetted scheme.

Such a precedent may well result in large portions of “Rural” zoned lands within the eastern portion of the city - also being developed for un-serviced lots and seriously undermine any development in the “Emerging Communities” zone, as well as compromise the financial commitments that Council has made with the construction of the Rubyanna Wastewater Treatment Plant in the surrounding area.

If Council is minded to approve the development, it is considered that any consideration of further subdivision of “Rural” zoned lands in the area should only be made after a specific review of the Bundaberg Regional Council Planning Scheme 2015, its Elements and Strategies have been carried out, and the ramifications of such development of the area have been fully investigated.

Ad hoc approvals of such applications similar to the subject site, may result in the entire “Rural” zoned lands in the area also being converted to closer residential development without any necessary services – all in contravention of the Planning Schemes.

Chapter 7 – Managing Growth of the Regional Plan stipulates the following policies, which are pertinent to this application:

- *Urban growth is consolidated in a compact settlement pattern within areas identified for this purpose*
- *Development is located and sequenced to make the best use of existing infrastructure and ensure efficient and cost-effective investment in new infrastructure.*

“Development that is not considered in Planning Schemes, or is difficult to service, may be cost prohibitive for the provision of infrastructure and should generally be avoided.”

The proposed development represents an inefficient use of land within the Urban Footprint, and does not support Council in the provision of efficient and cost-effective investment in new infrastructure, and in this case, particularly the Rubyanna Wastewater Treatment Plant.

The Kalkie-Ashfield Local Development area – of which the site is a part – is to be developed as future urban land catering for the growth of Bundaberg and Council has undertaken detailed planning for major infrastructure in the area – particularly through the provision of a new regional Wastewater Treatment Plant at Rubyanna – to service the Kalkie-Ashfield Local Development Area and the coastal area.

During preparation of the current Planning Scheme (2015), Council considered the aspects of the subject site and surrounding area – and after deliberations, included the land opposite the site in an “Emerging Communities” zone – signifying the intent that development of the area occur only with reticulated services. It was recognised at that time, that the subject site would not be needed for further urban development during the life of the 2015 Planning Scheme – and accordingly the land was included in a “Rural” zone. However given the site’s inherent characteristics it remains suitable for urban development in the future when reticulated services are available.

Bundaberg Regional Council Planning Scheme 2015-

The 2015 Planning Scheme outlines critical planning challenges currently facing the region, including:

- *Providing infrastructure that supports and is well matched to growth patterns and is delivered in a timely and efficient manner; and*
- *Designing a settlement pattern that is responsible to all of the [planning challenge] issues whilst simultaneously protecting the natural environment, maintaining productive rural landscape ...”*

Strategic Intent

The Strategic Intent of the Planning Scheme seeks to “define the extent of development and seeks to create strong relationships between the pattern of settlement and the provision of employment, infrastructure and services, so as to improve the quality of life and overall level of sustainability of the region”.

The Strategic Intent (at 3.2.4) requires the “ongoing major water, sewerage and public infrastructure projects [to] cater for projected population increases in the major population centres, particularly the Kalkie-Ashfield Local Development Area...”.

The Strategic Intent (at 3.2.7) sets out that in all areas that all new development is provided with associated infrastructure in a timely, co-ordinated and efficient manner.

Local development areas – e.g Kalkie-Ashfield area – need to be developed in accordance with infrastructure instruments which ensure equitable access to social infrastructure and water supply, sewerage, roads, open space, telecommunications and electricity networks in an efficient and cost effective manner that reflects the true cost of provision and maintenance.

The Planning Scheme’s Strategic Framework defines how Council will work in partnership with the Community, other levels of government and the development industry and business to effectively manage growth, support jobs and deliver critical infrastructure.

The Settlement Pattern theme contains the following key concepts:

- *Urban development is contained to within identified areas to protect the Bundaberg Region’s character, lifestyle, rural production capacity and environmental attributes;*
- *Rural residential development does not constrain the operations of surrounding agricultural uses and agricultural land classification (ALC) Class A and Class B land.*
- *Identified greenfield areas in Bundaberg city, including the major urban expansion areas of Kalkie-Ashfield... are the focus for accommodating regionally significant levels of growth. Growth in these areas is to be in accordance with local area structure planning undertaken by the Council.*

Strategic outcomes include:

- “(c) *urban development is contained within identified urban areas so as to sustainably manage growth;*
- “(d) *Urban and rural-residential development is located in areas that will maximise the efficient provision of infrastructure and services....*
- “(g) *The scale and sequencing of development within urban areas –*
 - ‘..(ii) *is consistent with Council’s plans for infrastructure investment and, in particular, the provision of reticulated sewerage to the ...eastern part of Bundaberg City;*
 - ‘..(iii) *avoids the fragmentation of major greenfield areas until such time as appropriate planning and infrastructure arrangements are in place; and*
 - ‘..iv) *supports the cost effective provision of infrastructure.*

The Specific outcomes include the requirements that the physical extent of urban development is contained within defined areas so as to “protect the individual identity of communities, including the maintenance and preservation of inter-urban breaks;

and maximum opportunities for the efficient provision of infrastructure and services in conjunction with development.” Specific outcomes include reference to urban growth in greenfield areas to be focussed in Bundaberg within the existing committed greenfield urban areas, and subject to local structure planning undertaken by the Council in the major urban expansion area of Kalkie Ashfield.

Development is to occur in an efficient and orderly manner that provides for the logical extension of infrastructure to service the development in accordance with Council’s priority infrastructure plan and any other applicable infrastructure charging instrument.

It is considered that the Bundaberg Regional Council Planning Scheme 2015 further supports Council’s vision for the provision of fully-serviced lots within the “Urban Footprint”. The proposed development is inconsistent with the Council’s adopted plans for infrastructure investment, in particular the provision of reticulated sewerage in the eastern portion of Bundaberg, and exacerbates the fragmentation of Rural/Non Urban zoned lands in the Kalkie-Ashfield development area. The proposed development is in conflict with the strategic outcomes of the Planning Scheme.

When considering applications for the creation of Rural Residential development in areas that have not been included in a Rural Residential zone, the Bundaberg Regional Council Planning Scheme 2015 (at 3.3.4) stipulates that rural residential development may occur only under the following circumstances:

- “(i) *There is a demonstrated and justified demand for additional rural residential development to occur in the area, having regard to the needs of the community and the suitability and capacity of the existing vacant land supply already allocated in the Rural Residential zone or approved for rural residential development in the area;*
- “(ii) *the rural residential area is located close to, and can readily access, an existing village or settlement which can provide services and community facilities, or the area can otherwise be efficiently, economically and sustainably serviced to meet the needs of residents. Such services and facilities include but are not limited to health, education, emergency services, shopping facilities, community, sporting and recreational facilities, public transport and school bus services, and other necessary social infrastructure;*
- “(iii) *The development will not fragment Agricultural Land Classification (ALC) Class A and Class B land, and will not constrain or conflict with the existing or future potential use of surrounding rural lands and economic resource areas for productive purposes;*
- “(vii) *The availability of necessary infrastructure to efficiently and effectively service the development and the capability of the land to accept the on-site treatment and disposal of effluent;*
- “(ix) *The development is not located on land that is required or likely to be required for future urban expansion of an existing settlement (including beyond the life of this planning scheme);*

The Applicant has argued that *“there is very little additional rural residential land to the east of urban Bundaberg”* and requests that *“Council should view the opportunities such as a small-scale subdivision like that proposed in this application as a way to satisfy market need and demand in a relatively low-risk way”*. The Applicant has provided only anecdotal evidence of a demand for the subdivision as *“the owners of*

the subject land have been approached on multiple occasions by persons interested in purchasing what they believed to be a vacant lot – i.e. proposed lot 3”.

The Bundaberg Regional Council Planning Scheme 2015 provides significant areas of land in the “Rural Residential” zone. However, this land is situated in areas which are remote from areas planned for the provision of infrastructure (eg wastewater treatment facilities) and which meet the Planning Scheme’s criteria for rural residential lands as set out at 3.3.4.

It is considered that the proposal to create the proposed additional rural-residential lots in this area will place unacceptable constraints on the existing agricultural practices to the east and north of the site. Aerial photography – current and historical - reveals that land adjacent to the site is being farmed, and the proposal does not propose an adequate landscaped buffer to the east – only relying on the “headland” of the farming lot, and using existing vegetation on proposed Lot 3. It is considered that insufficient buffering has been proposed for this lot and the provision of an adequate buffer would seriously constrict the location of a dwelling house on this Lot.

The development site is located within the Kalkie-Ashfield Local Development Area, and also the “Urban Footprint” [of the Regional Plan] and is within the area that Council is proposing urban development to expand the residential areas of Bundaberg City. The Council is actively providing infrastructure in this area – particularly in regard to wastewater infrastructure, and has made significant and long-term financial commitments to the provision of the Rubyanna Wastewater Treatment Plant.

By allowing the subject site to develop for rural-residential development will set a precedent and will be the catalyst for continued rural-residential development in the area, which will seriously undermine Council’s infrastructure and town planning strategies in the Kalkie-Ashfield Local Development Area.

It is considered that the Applicant has not satisfied the circumstances outlined at Section 3.3.4 of the Planning Scheme, to permit consideration of the site for a rural-residential subdivisional development.

Element 4 of the Planning Scheme deals with the Kalkie-Ashfield Local Development Area – where the site is located in – and sets forward the following specific outcomes:

- ‘(a) Development in the Kalkie-Ashfield Local Development Area creates well-planned and integrated urban communities that reflect traditional neighbourhood planning and design principles;*
- ‘(b) Development in the Kalkie-Ashfield Local Development Area...occurs in accordance with local structure planning undertaken by the Council and provides for urban development to occur on land identified as being suitable for urban development;*
- ‘(d) Appropriate levels and types of infrastructure are provided in conjunction with the delivery of urban development in the Kalkie-Ashfield Local Development Area ...to meet the needs of the community being created and provide for the logical and orderly sequencing of development;*
- ‘(e) Infrastructure is provided in the Kalkie-Ashfield Local Development Area ...in accordance with any applicable infrastructure funding instrument or the relevant planning strategies described in the applicable local plan.*

It is considered that the proposed development is in conflict with Element 4 of the Planning Scheme's Kalkie-Ashfield Local Development Area.

Section 3.6 of the Planning Scheme provides the following strategic outcomes for Infrastructure and services:

- '(a) Co-ordinated planning and delivery of infrastructure and services directs growth within the Bundaberg Region to reflect the pattern of settlement, best utilise public resources, efficiently meet the community's needs, preserve corridors and sites for essential infrastructure services and minimise impacts on the environment;*
- '(b) Water infrastructure, including water supply, sewerage and stormwater, is provided and sustainably managed on a total water cycle basis to maximise the efficient use of water resources and maintain the health and well-being of the community and the environment;*

The co-ordinated planning and delivery of infrastructure sets out the following specific outcomes:

- '(a) as far as possible, infrastructure provision in greenfield development areas ..is provided ahead of, or in parallel with, new development;*
- '(b) Development occurs in an orderly manner and logical sequence so as to – (i) maximise the use and capacity of existing infrastructure; (ii) maximise the efficiency of new infrastructure provision; and (iii) promote the long term social, economic, financial and environmental sustainability of the Bundaberg Region as a whole.*

It is considered that the proposal development is in conflict with the strategic outcomes for infrastructure and services for development in the Kalkie-Ashfield Local Development Area.

Kalkie-Ashfield Local Development Area

It is noted that the site is included within the Kalkie Ashfield Local Development Area (Figure 7.2.2), and designated the site as "Rural and Landscape Protection Area". If the application was lodged on or after 19 October 2015, the proposal would be required to be assessed against the "Kalkie Ashfield Local Development Area Local Plan Code". The following is relevant in assessment of the proposed development:

Performance Outcome PO16 – Acceptable Outcome A16.01 stipulates that Development for urban purposes does not occur in the Rural and Landscape protection area. A016.2 states that "Development in the Rural and landscape protection area does not compromise the provision of potential future road connections and other infrastructure corridors required to support and service urban development in the Kalkie-Ashfield Local Development Area.

PO16 requires that "A Rural and Landscape Protection is maintained in the Kalkie-Ashfield Development Area so as to: (a) protect and enhance Rural Landscape and scenic amenity values; (b) retain land for rural production and other non-urban uses, that are compatible with the retention of the area's rural and natural landscaping character; and (c) facilitate the proper and orderly planning of the Kalkie-Ashfield Local Development area.

Detailed planning of the entire Kalkie-Ashfield Development Area has not been completed as it was recognised that the “Rural and Landscape Protection Area” – the area containing the subject site – would not be needed for urban development during the life of the current Planning Scheme. Fragmentation of this area by the creation of additional lots will further exacerbate planning of the area in the future and will place unacceptable constraints on productive use of existing agricultural and grazing lands in this area.

It is noted that the land opposite the site in Gahan’s Road and Sauer’s Road is included in the “Emerging Communities” zoning, signifying the future potential for the land [and the site] for fully-serviced residential development.

Whilst the whole planning scheme is identified as the assessment criteria for this application, the following Codes have been identified as being relevant:

- Rural Zone Code
- Reconfiguring a Lot Code
- Landscaping Code
- Nuisance Code
- Transport and Parking Code
- Works, services and Infrastructure Code.

Rural Zone Code

PO3 of this code stipulates:

“PO3 – Permanent forms of residential accommodation in the zone are generally limited to dwelling houses and caretaker’s accommodation on existing lots”.

“PO13 – states that “Development does not adversely impact on the continued operation, viability and maintenance of existing infrastructure (including rural infrastructure) or compromise the future provision of planned infrastructure”.

Under the 2015 Planning Scheme, the land is included in the “Rural” zone and the Scheme stipulates a minimum lot area of 100 hectares with a 200 metre frontage for “Rural” zoned lots. Similarly, the creation of new lots below the minimum lot size and dimension in the “Rural” zone are Impact Assessable development. The Local Plan and the Overlays do not change the level of assessment.

It is considered that the proposed development is in conflict with the Planning Scheme’s Strategic Intent and is contrary to the Kalkie-Ashfield Local Development Area Plan Code.

Applicant’s Comments on Draft Planning Report

On 24 February 2016, a copy of the draft Planning Report was provided to the Applicant’s Consultants – InsiteSJC for comment. By email dated 09 May 2016, Geoff Campbell of InsiteSJC provided the following:

- *Site still capable of urban development at later time – The Council planning report argues that the Council is investing considerably in the Rubyanna Treatment Plant and this locality should remain available for urban purposes to make the most of that investment. The premise of this assertion is that the proposed subdivision would somehow prevent more intense urban land uses. Council should acknowledge that market-driven infill development is*

commonplace in and around Bundaberg. Larger lots like the ones intended in this subdivision create ideal opportunities for unit complexes, child-care centre, shops, churches, medical centres and a myriad of other activities that are commonly part of the urban fabric. The subdivision of the land into four rural residential lots does not mean that the land would never be able to be further developed for urban residential lots or other suburban purposes.

Comment: Council officers agree that the site is suitable for urban development in the future – specially for fully-serviced (ie reticulated water and sewerage) in the future – hence the land’s inclusion in the Kalkie Ashfield Local Development Area.

- *Infrastructure charges available well before any upgrades – the proposed development of the site would provide a contribution of \$60,480 in infrastructure charged towards investment in new infrastructure, noting that further development may not occur for 20-30 years. The report does not acknowledge this.*

Comment: It is agreed that infrastructure charges would be payable of any new additional lots – as is the case throughout the entire Council area. Any contributions paid will benefit the provision of other trunk infrastructure including roads and open space.

- *Existing rural residential use is a significant consideration – The report pays little regard to the current rural residential use and existing residential improvements on the site and that the site is no longer used for agricultural production. An acknowledgement of this would render as redundant the significant commentary in relation the 2004 scheme Non Urban Strategy.*

Comment: The site contains an existing dwelling and associated domestic outbuilding commensurate with a large rural-residential lot. The site’s inclusion in the “Urban Footprint” and also the Kalkie Ashfield Development Area indicate its future use for development that is fully serviced.

- *Buffers negate the potential for land use conflict – the Council planning report suggests that the proposal would not involve buffers to the eastern boundary of proposed Lot 3. The application seeks to utilise the established landscaping which has a minimum width of 13 metres, supplemented as necessary. The potential for conflict between residential use and the adjoining farming land is negligible, as discussed in the application report. Submissions received from adjoining owners do not indicate that land use conflict is an issue.*

Comment: Currently vegetated areas to only part of the eastern and western property boundaries – ie totally surrounding the existing dwelling are proposed in the application. The existing dwelling is located approximately 40 metres from the agricultural land uses to the east – this being the minimum landscaped distance required by the Queensland State Government’s “Planning Guidelines – Separating Agricultural and Urban Land uses” – which would have been in place at the time of the creation of the subject site in 2000. The proposal is for the creation of additional lots within this 40 metre buffer – and with the reduction

in the landscaped buffer to only 13 metres in proposed lot 3, and with a buffer of 20 metres in proposed Lot 4.

However a lack of appropriate planning for infrastructure provision is likely to severely compromise the future development of the land for densities envisaged for urban area.

- ***Demand would otherwise take agricultural land out of production*** – We acknowledge that only anecdotal evidence about demand is readily available. As stated in our application report, while the 2015 planning scheme provides for significant areas of rural residential zoned land, none is near the subject area. The mere provision of these areas in the scheme is a response to overall demand for this product, and it follows that higher demand will be in areas with desirable location. Council should acknowledge that unless it accommodates some market demand for rural residential lots in this part of the Bundaberg Region, there will be a continued conversion of productive agricultural land to hobby farms and large lot rural home sites.

Comment: The Applicant has confirmed that there is no demonstrated or justified need for the rural residential lots. The location of the site within the Kalkie Ashfield Development area confirms that the site is to be used for fully serviced residential development. The Planning Scheme provides sufficient protection of agricultural land.

- ***The decision would not set a precedent*** – The Council planning report asserts that approval would set a precedent and be the catalyst for continued rural residential development in the area. Council's planning department regularly advises us that Council's earlier decisions do not set a precedent and that all applications are considered on their merits. Council is not constrained by earlier decisions.

Comment: The site is situated in area bound by Sauer's Road, Kirby's Road, Rubyanna Road and McGill's Road (all of which is included in the Kalkie Ashfield Development Area) and which contains a considerable number of irregular shaped lots - a number of which have resulted from historical family subdivisions and boundary realignments – and it is considered that approval of the current application will result in additional applications for subdivision of such lots into smaller "rural residential" lots citing the same grounds as the current Portas application. The precedent thereby set has the potential to seriously undermine the financial commitment that Council has made in the construction of the Rubyanna Waste Treatment Plant – approximately 1.3 kilometres to the north.

Conclusions

Summarising the proposed development application for Reconfiguring a Lot - to subdivide an existing "Non-Urban" precinct lot into four lots – the following summary sets out the reasons why the proposal development cannot be supported:

- (i) The proposed development is in conflict with all statutory planning documents (Planning Scheme for Bundaberg City 2004-2015; Wide Bay Burnett Regional Plan and Bundaberg Regional Council Planning Scheme 2015.
- (ii) The proposed development has failed to satisfy the Strategic Intent and Strategic Framework outlined in the Bundaberg Regional Council Planning Scheme 2015.
- (iii) The proposed development is in conflict with Council's adopted plans for infrastructure investment and provision in the Kalkie-Ashfield Development Area, and will seriously undermine Council's infrastructure (eg the Rubyanna Waste Water Treatment Plant) and town planning strategies in this area.
- (iv) Inadequate and ineffective buffering has been proposed to adjacent existing agricultural land uses;
- (v) The proposed development will result in fragmentation of Non-Urban and Rural areas;
- (vi) the proposal will compromise the existing productive use of agricultural/ rural lands in the area;
- (vii) the proposal is insular and does not allow for integration with likely future development in the area; and
- (viii) there is no demonstrated or justified demand or need for the proposed development.

If Council is minded to consider approval of this development, it is recommended that prior to any decision being made on this or any other application in this area, that detailed planning for the area between Kirby's Road and Sauer's Road be undertaken to allow for an orderly and sequenced roll out of rural-residential development with appropriate allowance made for infrastructure necessary to service this area.

4. REFERRALS

4.1 Internal Referrals

Advice was received from the following internal departments:

Internal department	Referral Comments Received
Development Assessment - Engineering	23 February 2016
Water and Wastewater	24 September 2015
Strategic Planning	28 September 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 30 October 2015 until 24 November 2015. The Applicant submitted documentation on 25 November 2015 advising that public notification had been carried out in accordance with the *Sustainable Planning Act 2009*. Council did not receive any submissions in relation to this development application during this period.

Attachments:

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

Recommendation:

That Development Application 321.2015.44237.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Reconfiguring of a Lot - 1 Lot into 4 Lots

SUBJECT SITE

135 Sauers Road, Kalkie - described as Lot 3 on SP138074

DECISION

Refused

SUBMISSIONS

Not Applicable

REFERRAL AGENCY

Not Applicable

REFUSAL DETAILS

Direction to refuse

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

Reasons for Refusal

Planning Scheme for Bundaberg City 2004-2015 – The proposal is in conflict with the Planning Scheme as follows:

- (1) The proposal is in conflict with the Planning Scheme's future intent for this area – as shown on the Structure Plan – as "Non Urban" land – which stipulates that during the life of the planning scheme the land is not needed for urban development. The proposal is in conflict with the Planning Intent of Local Area 6 – Eastern Bundaberg whereby "rural activities" such as agriculture will remain on land not required for urban development within the life of the Planning Scheme.

- (2) The proposal will result in fragmentation of “Non-Urban” areas by the creation of residential allotments.
- (3) The proposal is in conflict with the Non-Urban Strategy’s Preferred Settlement Pattern and Development Characteristics which does not support “Non-Urban” precinct land being subdivided for closer subdivision or urban purposes.
- (4) The proposal will compromise the existing productive use of agricultural/ rural lands in the area and is contrary to Key Strategies 7.1, 7.3, 7.4 and 7.5 of the Non-Urban Strategy. Insufficient and ineffective buffering is proposed on the site to buffer potential land use conflicts between the residential use and agricultural and rural land uses nearby.
- (5) The proposal is in conflict with Key Strategies 1.2 and 1.5 of the Residential Strategy as it does not provide for serviced lots, and will not result in consolidation of the existing urban form.
- (6) The proposal is contrary to the Preferred Settlement Pattern and Development Characteristics of the Residential Strategy.
- (7) The proposal is in conflict with the Development Servicing and Sequencing Strategy’s Preferred Settlement Pattern and Development Characteristics as the proposal will not be connected to the City’s reticulated water and reticulated sewerage systems.
- (8) The proposal does not satisfy the Planning Scheme’s Strategies and Desired Environmental Outcomes and therefore the site is deemed to be unsuitable for further subdivision until the necessary services – reticulated water supply and reticulated sewerage – are provided to the site.
- (9) The proposal is in conflict with the Lot Reconfiguration Code’s purpose to facilitate “serviced flood-free allotments and that the subdivision design is capable of integration with likely future development”. The proposal fails to provide the development with reticulated services and the development layout is insular and does not allow for integration with likely future development in the area.
- (10) The proposed lot sizes at 4,000 square metres to 7821 square metres and frontage dimensions at 39 to 46 metres – are significantly smaller than the minimum area of 40 hectares and 400 metres minimum frontage stipulated in the Planning Scheme for Bundaberg City’s Lot Reconfiguration Code.
- (11) The Applicants have not advanced sufficient planning grounds for Council to vary the Planning Scheme to use the land for more intensive urban use. The proposal is contrary to the Planning Scheme’s Structure Plan which designates the land as “Non-Urban” land and which is not needed for urban development during the life of the Planning Scheme.

Wide Bay Burnett Regional Plan

- (12) The proposal will not be serviced by reticulated sewerage and reticulated water supply. Reticulated services are required to meet the population densities sought in the Wide Bay Burnett Regional Plan and the Planning Schemes.
- (13) The proposal is not efficient use of land within the “Urban Footprint” and does not support the provision of efficient and cost-effective investment in new infrastructure, including the Rubyanna Wastewater Treatment Plant.

Bundaberg Regional Council Planning Scheme 2015

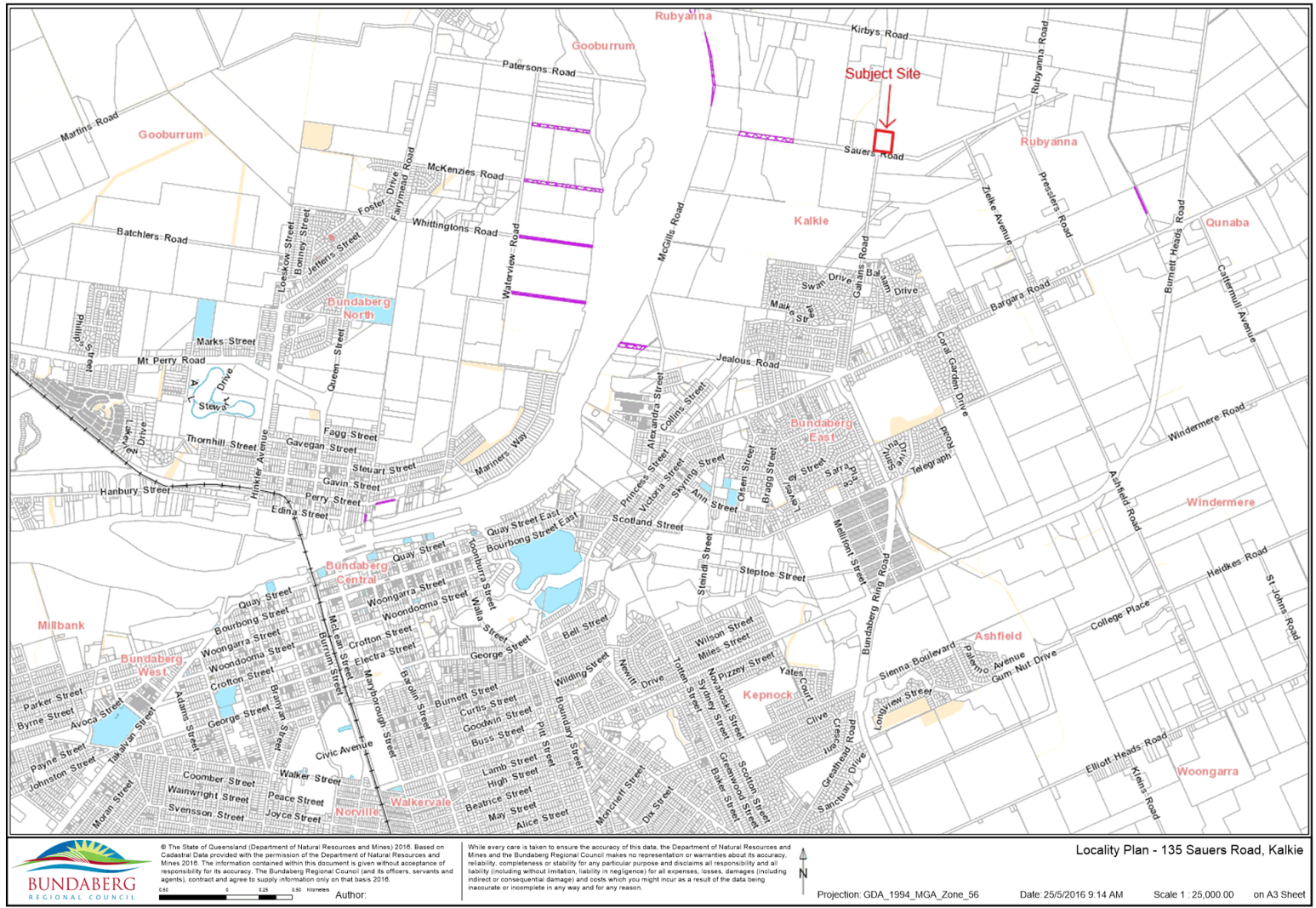
- (14) The Planning Scheme for Bundaberg Regional Council (which commenced on 19 October 2015) includes the land within a “Rural” zoning – further reinforcing the future intended use of the site as “rural”, and land which is not needed for development within the life of that planning scheme. The proposal will constrain the farming operations on surrounding agricultural/ rural lands and therefore is in conflict with the Settlement Pattern theme of the Bundaberg Regional Council Planning Scheme 2015 due to ineffective and insufficient buffers proposed to be provided on the site.
- (15) The proposal is in conflict with Strategic outcomes of the Bundaberg Regional Council Planning Scheme as it is inconsistent with Council’s plans for infrastructure investment and, in particular, the provision of reticulated sewerage to the eastern part of Bundaberg.
- (16) The site is included within the Kalkie-Ashfield Local Development area and the “Urban Footprint” of the Wide Bay Burnett Regional Plan. The Bundaberg Regional Council Planning Scheme 2015 includes detailed planning in the Kalkie-Ashfield Development Area and concludes that the site is not required for closer urban use and will remain as “Rural” land during the life of the Bundaberg Regional Council Planning Scheme. The proposed development is in conflict with the Bundaberg Regional Council Planning Scheme 2015.
- (17) The proposed development is in conflict with the strategic outcomes for the provision of infrastructure and services in the Kalkie-Ashfield Local Development Area in the Bundaberg Regional Council Planning Scheme 2015.
- (18) The proposal is located on land that is required or likely to be required for future urban expansion of an existing settlement (including beyond the life of the Bundaberg Regional Council Planning Scheme 2015).
- (19) The proposal would compromise the ability of the land to be effectively development for urban purposes in the future.
- (20) The proposed development does not meet the criteria for the creation of Rural Residential development in an area that has not been included in a rural residential zone – at Section 3.3.4.

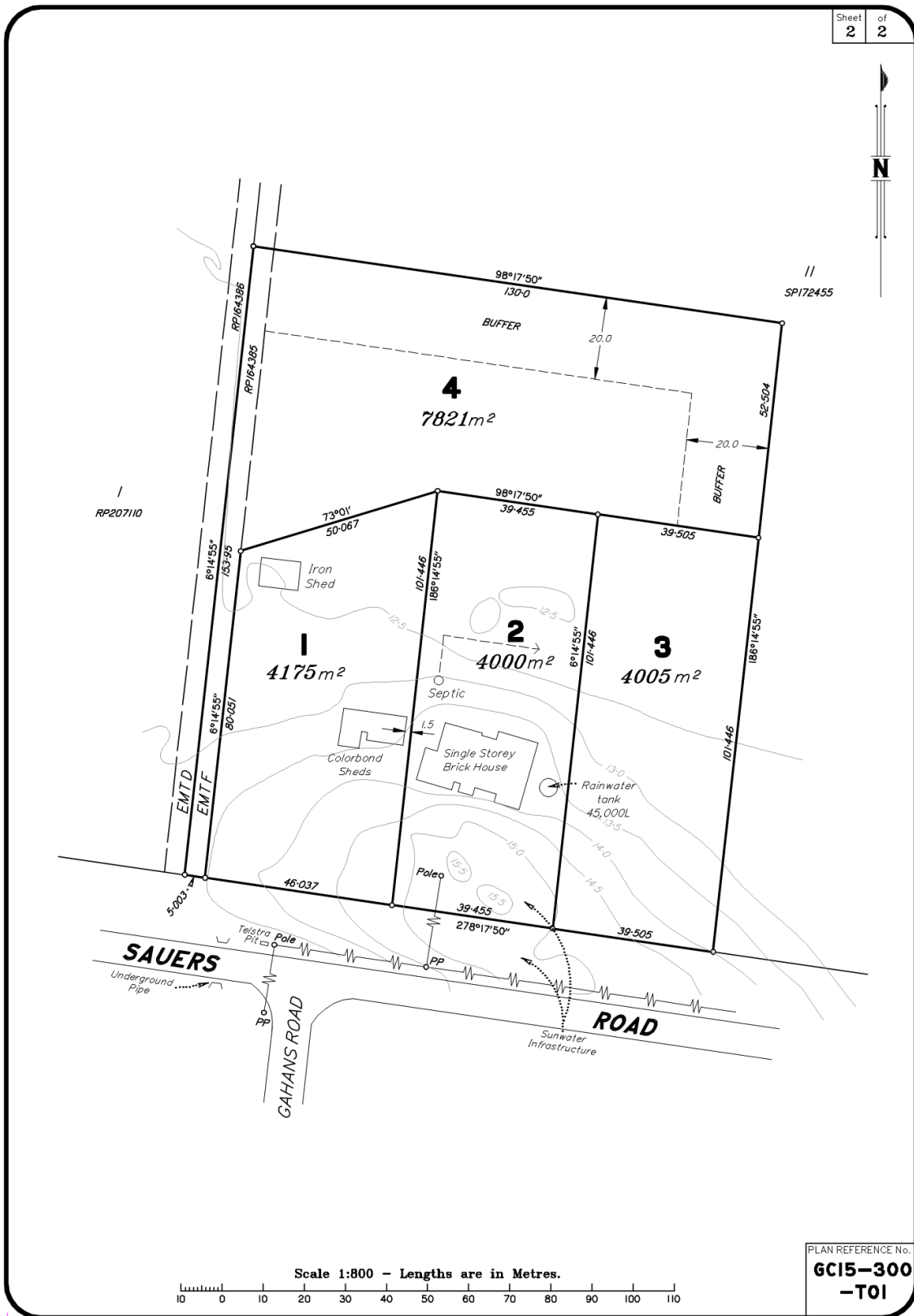
- (21) The proposal is in conflict with the Bundaberg Regional Planning Scheme 2015 Lot Reconfiguration Code as the proposed lot area of less than 8,000 square metres is significantly below the minimum lot area of 100 hectares for land in the "Rural" zone.

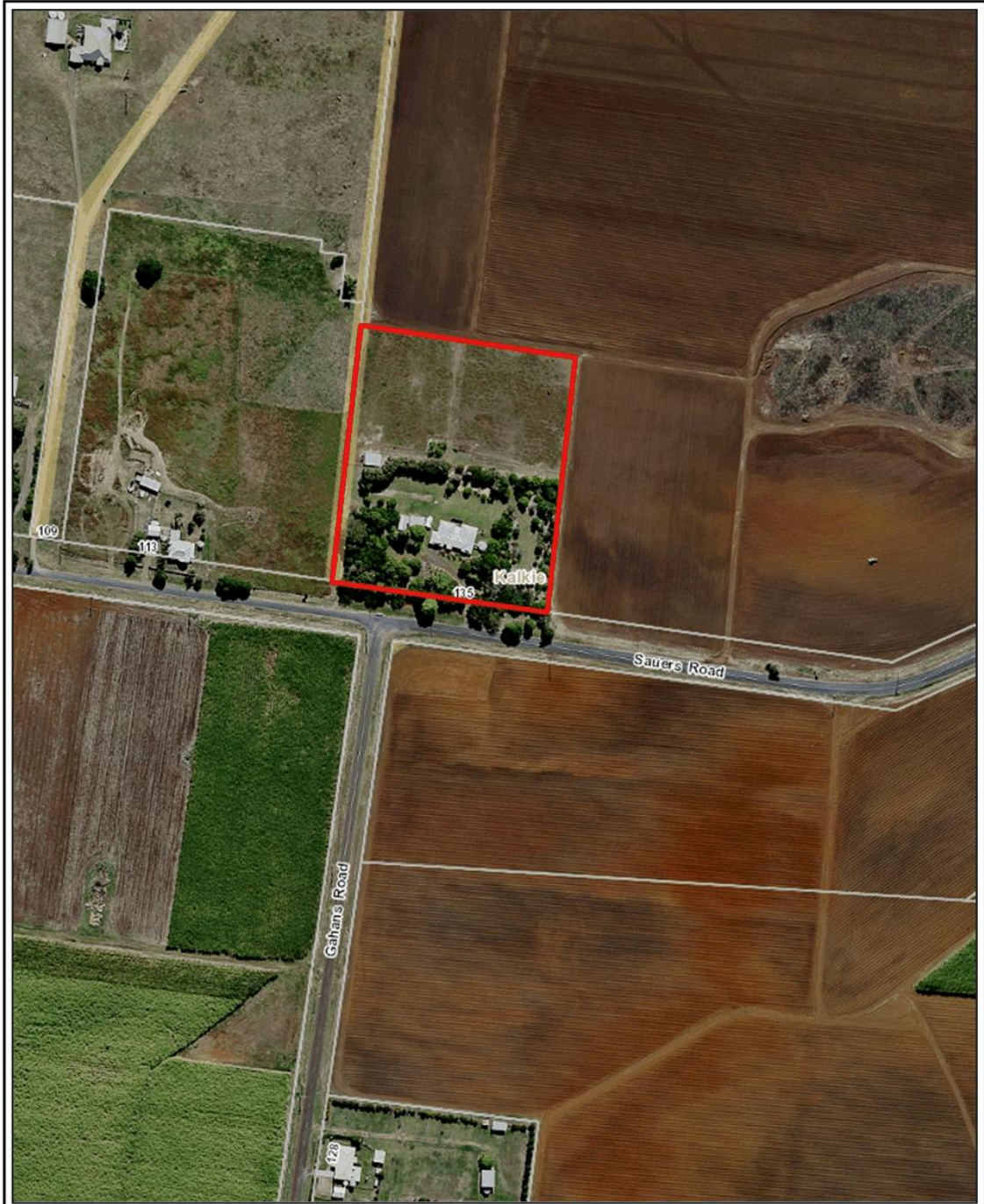
Other

- (22) The proposed development – if approved – would set a precedent which will seriously jeopardise Council's infrastructure provision strategy for the Kalkie-Ashfield development area.
- (23) The Applicants have not provided sufficient grounds that there is a demonstrated and justified demand for additional rural residential development to occur in the area.

The Applicants have not demonstrated sufficient grounds for Council to approve the application despite the conflict with the relevant Planning instruments, including the Planning Scheme for Bundaberg City 2004-2015, Bundaberg Regional Planning Scheme 2015 and the Wide Bay Burnett Regional Plan.







Site Plan - 135 Sauers Road, Kalkie



Projection: GDA_1994_MGA_Zone_56

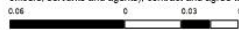
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Author:



Item

07 June 2016

Item Number:	File Number:	Part:
K2	322.2016.45456.1	DEVELOPMENT ASSESSMENT

Portfolio:

Infrastructure & Planning Services

Subject:

169 Bakers Road, South Kolan - Material Change of Use for Function Facility and Nature Based Tourism

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	322.2016.45456.1
PROPOSAL	Material Change of Use for a Function Facility and Nature Based Tourism
APPLICANT	JA Pearson & CJ Pearson c/- Insite SJC
OWNER	CJ Pearson & JA Pearson
PROPERTY DESCRIPTION	Lot 33 on SP126633
ADDRESS	169 Bakers Road, South Kolan
PLANNING SCHEME	Bundaberg Regional Council Planning Scheme 2015
ZONING	Rural Zone
OVERLAYS	<ul style="list-style-type: none"> • Riverine Defined Flood Event Area • MSES Watercourse Buffer, MSES Wetland Buffer and MSES Regulated Vegetation areas • Land steeper than 15% • Erosion Prone Area • Class A1 • Water Resource Catchment Area
LEVEL OF ASSESSMENT	Impact
SITE AREA	20.1774 ha
CURRENT USE	Residential Dwelling and Home Based Business (Farm Stay Accommodation)
PROPERLY MADE DATE	8 April 2016
STATUS	The 20 business day decision period ends on 13 June 2016
REFERRAL AGENCIES	Nil
NO OF SUBMITTERS	Five (5)

PREVIOUS APPROVALS	322.2011.33942.1 – Material Change of Use for Home Based Business (Farm Stay Accommodation) approved on 17 April 2012.
SITE INSPECTION CONDUCTED	14 April 2016
LEVEL OF DELEGATION	Level 3

1. INTRODUCTION

1.1 *Proposal*

The Applicant seeks approval for a Material Change of Use for a Function Facility and Nature Based Tourism. The proposal details are as follows:

Function Facility

The Function Facility is proposed to facilitate weddings, corporate functions and parties with a focus on weddings. The Function Facility is to be accommodated within the north-eastern portion of the site (refer to the blue area of Drawing No 45456-101).

The Applicant outlines the site is highly desirable for the proposed activity due to geographical advantages such as the co-location of the Burnett River and the unnamed creek which traverses the site. The landscape character and amenity of the locality is enhanced by the well-established gardens on-site. The scenic amenity of the locality is also reinforced by the well-defined and delineated active spaces. The grassed area to the north of the facility and the landscaped areas along the river will be the focal points for ceremonies and functions. There are a number of nodes on the site that provide the backdrop for wedding/ceremony photos such as the described grassed area, garden seating alongside the river and on the deck of the function building.

An existing building (approved as a Class 10 building – farm shed) is to be utilised as part of the Function Facility. This building has an area of 240 m² (20 metres by 12 metres) and is partly enclosed. The building is located approximately 50 metres from the eastern (side) boundary and approximately 75 metres from the northern (Burnett River) property boundary.

In addition to the Function Facility building, a kitchen with an area of approximately 28 m² and a toilet block accommodating six (6) unisex toilets are to be included. The kitchen is attached to the southern side of the Function Facility building with the toilet block attached to the southern side of the Farm Stay Accommodation building.

The Applicant submits that the Function Facility is to cater for up to 120 guests.

Access to the Function Facility area is via a driveway along the eastern (side) property boundary. The Applicant proposes to install traffic calming devices (i.e. speed signs and speed bumps with barrier plantings) to restrict the speed of vehicles along the driveway.

A car parking area is proposed to the south-eastern side of the existing Farm Stay Accommodation building. The Applicant proposes not to seal the parking area, but retain that area as a grassed car parking area. Whilst the planning scheme details a

minimum of 16 car parking spaces, the Applicant details that there is an estimated traffic count of approximately 40 cars and the proposed parking area can cater for this number. Guests would be asked to arrive by bus where the booking exceeded 70 persons.

Nature Based Tourism

The Nature Based Tourism component of the application is proposed in two (2) locations. A camping area in the north-eastern portion of the site (within the function facility area) and a camping area in the northern portion of the site (refer to the green areas of Drawing No 45456-101).

The Applicant details that the proposed Nature Based Tourism use is fully compliant with the Natural Based Tourism Code with the exception of boundary setbacks. The Applicant details that the northern camping area is to be five (5) metres from the boundary, with the north-eastern camp area to be 25 metres to the closest (eastern) boundary.

An amenities block is located within the northern camp area. This building has an area of 108 m² (12 metres by 9 metres). The buildings associated with the Function Facility are also proposed to be utilised as part of the north-eastern camp area.

Access to the northern camp area is to be via a driveway along the western and northern property boundary. The north-eastern camp area is to utilise the Function Facility driveway.

The Applicant details that campers/visitors can take advantage of the following opportunities:

Visitors can interact with the local flora and fauna including fishing for Bass and Barramundi and sighting Platypus, Possums, Sugar Gliders, Goannas, Water Monitors, Bush Turkey and a variety of bird species. Campers can hike the Kingfisher Bushwalking Track and Possum Trail all leading to Platypus Point. Campers also enjoy canoeing and kayaking along the 800 metres of creek through the natural sub-tropical forest to the Burnett River.

1.2 Site Description

The subject site is described as Lot 33 on SP126633 with an area of 20.1774 ha. The property is improved by a residential dwelling (with ancillary sheds), an approved farm shed (currently used as a function facility building) and a Farm Stay Accommodation building in the north-eastern portion of the site.

An amenities building and farm shed are located in the north-western portion of the site. Access to the site is currently via a driveway along the eastern boundary of the site.

A watercourse (creek) traverses through the centre of the site from the Burnett River to the Bakers Road frontage. The property generally slopes from the north to the south with contours ranging from 2.84 metres AHD to 17.51 metres AHD. The property has a maximum flood height of 17.1 metres AHD and has a flood depth of 14.23 metres at a contour of 2.84 metres.

The property is bound to the north-east by the Burnett River, east by a residential dwelling on a small (10.9961ha) rural allotment, south by Bakers Road (443 metres) and west and north-west by a large (75.55ha) rural allotment currently under sugarcane cultivation. The broader area comprises a mixture of rural and rural residential properties.

Previous Approvals

The following town planning approval exists over the subject site:

- 322.2011.33942.1 – Material Change of Use for Home Based Business (Farm Stay Accommodation) approved on 17 April 2012. Conditioned to accommodate a maximum of eight (8) persons at any one time for a maximum period of one (1) month (4 weeks).

Compliance

The following compliance notices have been issued with regard to the proposed development:

- Show Cause Notice (Council reference 326.2016.1240.1) dated 13 April 2016 for carrying out assessable development without an effective development permit - Nature-Based Tourism and Function Facility; and
- Enforcement Notice (Council reference 326.2016.1240.1) dated 9 May 2016 for carrying out assessable development without an effective development permit - Nature-Based Tourism and Function Facility.

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
- Acid sulfate soils overlay code
- Agricultural land overlay code
- Biodiversity areas overlay code
- Flood hazard overlay code
- Steep land (slopes >15%) overlay code
- Water resource catchments overlay code
- Business uses code
- Nature and rural based tourism 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 proposed uses are highly reliant on the rural scenic amenity provided on site in the form of significantly established vegetation and gardens and the proximity of the site to the Burnett River (riverfront property and views). The proposal is not considered to impact adversely on the sustainable agricultural use of the adjoining and surrounding agricultural uses and does not remove land on-site from active agriculture.

The site is located within a rural setting amongst mature vegetation and surrounded by an established Macadamia Nut tree farm and the nearest dwelling is located approximately 200 metres from the subject site. In this regard, the proposal is considered to include good buffers from surrounding sensitive land uses and with standard conditions can readily comply with the nuisance code.

Impacts

The Rural zone code discusses at section 6.2.17.2 opportunities for non-rural uses (6.2.17.2) within rural environments and ensures that non-rural uses are compatible with the rural environment and do not compromise the long-term use of land for rural uses. As the proposal is for two (2) different uses with differing impacts, it is important to examine each use on its own merits with regards to compatibility with rural uses.

With regards to the Nature Based Tourism component, PO4 of the Rural zone details that visitor accommodation may be established in the zone where uses complement rural uses, promote the sustainable use of rural land, do not compromise the use of the land for rural activities and would not be more appropriately located in and would not undermine the role of a nearby rural town or village.

It is considered that the two (2) camping areas will not impact on adjoining rural uses, provided an increased setback from the proposed five (5) metres to a setback of 40 metres with buffering being provided. In addition, it is suggested that conditions be included requiring the maintenance of all common boundary fencing adjacent to camping areas.

It is considered that with appropriate conditioning that the proposed Function Facility use can operate with minimal impact to the rural environment as follows:

- Limiting hours of operation;
- Restricting the number of patrons attending the site for any single event. It is noted that the Applicant proposes approximately 120 persons. The Development Team have conditioned a maximum of 140 persons which allows for limited flexibility in numbers; and
- Restricting the location of where the activities associated with the Function Facility can occur to the area adjacent to the river. Although the driveway and parking area will be in close proximity to a sensitive receptor (a residential dwelling on the adjoining property to the east), a condition has been included to require sealing of these areas in the event of a dust complaint.

Flooding

The subject site is identified as being within a Riverine Defined Flood Event Area with a maximum identified flood depth of approximately 14 metres. The proposal does not propose to include permanent activities or accommodation but rather states that events/camping would not be held/occur during periods of inundation to prevent risk to people. It is considered that the requirement/conditioning of a flood evacuation plan would ensure that the potential risk to people and damage to property on the site from flooding is avoided or minimised (performance outcomes PO4 of Flood Hazard Overlay code).

Infrastructure

Water

The site is outside the declared water service area. Conditions have been included requiring the provision of a potable water supply for guests.

Sewer

The site is outside the declared sewerage service area. The site is within a Water Resource Catchment Area and therefore requires assessment against the associated Water resources catchment overlay code in relation to wastewater disposal. The installation and maintenance of an appropriate on-site sewerage treatment system can readily achieve compliance with the requirements of the Code and has been conditioned accordingly.

Stormwater

Existing site drainage characteristics are deemed to comply with relevant requirements of both the Works, services and infrastructure code and the Water resources catchment overlay code. No significant alteration of existing natural contours is proposed and no changes are proposed to overall site drainage characteristics. The expansive rural site drains naturally to the substantial internal creek system and adjoining Burnett River, however the proportion of total impervious developed area in relation to overall site area is in the order of $365/201774 = 0.18\%$. This is insignificant in relation to drainage and water quality measures.

Roadworks and Access

The submitted planning report indicates that an effort to regulate traffic volumes generated by the development will be enacted by insisting that the transport for guest lists numbering above 70 persons will be serviced by bus. It is unclear if that means the intention is for private vehicles to be used for the first 70 people and buses supplied only for any excess above 70, or if for any event numbering above 70, all guests will travel by bus.

In either case there will be some level of consequential increase in traffic on local roads, with Bakers Road in particular likely to be impacted most. Using DTMR recommended method of calculation with the stated average 40 guests cars plus say 10 caterers and others per event multiplied by 2 trips (one each way per vehicle), for 20 events per year divided by 30 to account for the 30th busiest day, gives: $(40 + 10) \times 2 \times 20 = 2000/30 = 66.7$ additional vehicles per day equivalent.

The increased traffic flow is likely to occur in a highly condensed pattern rather than spreading more randomly over a normal day, so it is considered reasonable and relevant that these increased traffic patterns invoke appropriate treatment in accordance with the codes to achieve the above stated policy objectives.

Under the current Planning Scheme policies, this would generally mean that Bakers Road should be accordingly upgraded and/or constructed to the prescribed level of specification for the full extents of the subject lot boundary frontage. However, with specific reference to Note 2 attached to Table SC6.3.3.4.4.3, in this instance it is considered reasonable to recommend that the standard requirements be limited and/or reduced to the standard specified by the IPWEAQ Lower Order Road Design Guidelines as follows: provision of 3.5 metre pavement and bitumen seal on 5 metre formation width for the Bakers Road site frontage from existing end of bitumen seal to the main property access entry.

This matches the Bakers Road bitumen seal of 3.5 metres width currently existing for the first 90 metres along the frontage of the subject property, including a (one-lane) bridge culvert about 50 metres before the bitumen ends. The remainder of the lot frontage (about 350 metres) currently has gravel surface which includes another narrow (one-lane) culvert.

Infrastructure Charges

In accordance with section 4 of the Bundaberg Regional Council Adopted Infrastructure Charges Resolution (No. 1) 2015 infrastructure charges are payable for a material change of use.

A material change of use application was required for the Function Facility component as the use was not specified within the level of assessment table for the Rural zone and was therefore impact assessable. It is noted that Flood Hazard overlay is triggered for this component, however has no bearing on the level of assessment as the application is already triggered (only elevates a self-assessable development to code assessable, otherwise unchanged). For this component of the application, infrastructure charges of \$17,794 are payable.

Nature Based Tourism uses are self-assessable within the Rural zone where complying the all applicable acceptable outcomes of the Nature Based Tourism code. In this instance the Nature Based Tourism component is code-assessable due to:

- Non-compliance with an acceptable outcome of the Nature Based Tourism code relating to setbacks; and
- The use being located within Flood hazard overlay.

For this Nature Based Tourism of this application, infrastructure charges of \$336,000.00 are payable based on a maximum of 100 camping sites.

The previous AICR (No. 1) 2014 includes an explanatory note as follows:

¹ In recognition of the types of development for which infrastructure charges have traditionally been levied under Council's previous and existing planning schemes and policies, and as an incentive to development for material change of use of premises that is currently exempt or self assessable, Council has resolved not to levy infrastructure charges for carrying out building work at this time. The decision not to levy charges for carrying out building work will be reconsidered as part of the preparation of a new planning scheme for the Bundaberg Region. This incentive also applies to infrastructure charges for material change of use for development that:

- (i) is an industrial development that triggers code assessment in the Bundaberg City Plan due only to its proximity to land within a Residential A or B Precinct;*
- (ii) would be self assessable, except that:*
 - (a) it triggers code assessment due only to a planning scheme overlay;*
 - (b) at Council's absolute discretion, minor non-compliance or non-compliance with assessment criteria for self-assessable development that is considered by Council to be onerous (having regard to the intent of the planning scheme provisions, the nature of the proposed development and the location and characteristics of the subject land).*

This explanatory note is not contained within the current AICR and as such the Development Team have no choice but to recommended that the current AICR be imposed on this development with infrastructure charges to the amount of \$353,794.00 being payable.

Public Notification

The following matters were raised by submitters:

Grounds of Submissions		Considerations
1	The proposed changes of use are incompatible with the existing farming enterprises in the area and will be in conflict with the existing and well established neighbouring cane farming enterprise.	The Function Facility is well separated from existing farming enterprises in the area. Conditions have been imposed to ensure adequate separation of camping areas to agricultural activities.
2	There will be significant angst arising from disgruntled wedding guests and participants should the neighbouring property/ies be undertaking lawful, routine agricultural practice such as burning, harvesting, ploughing during wedding activities.	This concern is acknowledged. A property note has been included as follows: <i>Guests and operators of the approved Function Facility and Nature Based Tourism uses are advised that the property</i>

		<i>is surrounded by existing rural properties and on-going rural activities are exempt development. Lawful agricultural activities may produce noise, dust and lighting impacts which have the potential to impact on the adjoining land/uses.</i>
3	The request is inconsistent with the rural zoning and nature of the area.	As notes in section 3.1, it is considered that the proposal is consistent with the intent of the rural zone.
4	Negative impact on the local roads due to the current and future operation of the proposed development. Concern that farming traffic/equipment travelling along Bakers Road will increase the risk of accidents when mixed with vehicles attending the subject site.	These concerns are acknowledged. A road upgrade for the Bakers Road frontage has been conditioned due to an anticipated increase in traffic flow which is likely to occur as a result of the development.
5	<p>Council has established the requirement of widening roads in the immediate area to allow increased traffic and access to subdivided residential land. This is evidenced in the subdivision down Weir road where current properties are located.</p> <p>In addition the newest subdivision proposal on Weir Road has been required to widen Weir Rd to eight (8) meters with a six (6) meter width of bitumen the full length of this subdivision. The northern end of Weir Rd has to be fully constructed to main roads specs. Given that there is to be possibly 2 cars per block totalling 18 cars this is only a minimal increase traffic to the area. Platypus Park has considerable weekly traffic for weddings, B&B now with a proposed increase with 2 camping ground. The increased traffic flow should require road upgrade as required by other developments in the area.</p>	
6	The proposed development does not provide for a buffer on it's boundary to block the impact of farming practices on the adjoining property. The submitter is concerned that they should not have to reduce their crop area to provide the development with their buffer. The camping ground adjoining the common boundary should have a 50m buffer zone on Platypus Park to ensure their activities do not interfere with the adjoining property's capacity to maintain a farming income.	This concern is acknowledged. As detailed previously, the Applicant proposes a minimum setback of five (5) metres to the boundary closest to an agricultural activity. It is considered that this setback is inappropriate and the development has been conditioned to provide a minimum 40 metre setback of a camping area to all boundaries. A condition has also been introduced to require a vegetated buffer along the boundary for the length of the camping areas.
7	A camp ground is not a complementary land use to a crop producing farm. Any number of campers affects the ongoing farming activities. Farming practices dictate that there is dust, spraying equipment, noise and lights from machinery and irrigation motors. This boundary is the main route for haul-outs The proposal has set no limits for campsites numbers in the proposed campgrounds adjoining rural property. There is no consideration of	<p>This concern is acknowledged. The Applicant detailed that the Nature Based Tourism would be self-assessable except for the setback criteria. In accordance with the self-assessable criteria of the Nature Based Tourism Code, development can have the following:</p> <ul style="list-style-type: none"> • A camp site density not exceeding 20 sites per hectares;

	<p>permanent camp residents that may be established.</p>	<ul style="list-style-type: none"> • A maximum number 100 camp site on any site; and • A maximum of 14 consecutive night stays.
<p>8</p>	<p>The possible escape route of the proposed development requires review. This property is in a flood pronounced area. The effectiveness of a possible escape route is questionable as creeks come up very quickly blocking the two entrances to this property. There needs to be measures in place that consider these conditions.</p>	<p>This concern is acknowledged. Each of the proposed uses (Function Facility and Nature Based Tourism) do not include permanent activities or accommodation. It is acknowledged that the property has significant flood constrains, however it is anticipated that the events/camping would not be held/occur during periods of inundation to prevent risk to people. To ensure risk to people and property is reduced, should this application be approved, conditions will be included requiring a Flood Evacuation Plan to be prepared.</p>
<p>9</p>	<p>The development will require appropriate redirection of waste disposal. In reference to the two proposed camping grounds and the function facility, concern is raised regarding the runoff of the effluent waste grey water, leaching of nitrates into the underground water table and water ways.</p> <p>Effluent holding tanks will be in the flood zone and possibly leak out in flood conditions. An effective waste disposal system should consider these conditions.</p>	<p>This concern is acknowledged. The development must comply with the <i>Plumbing and Drainage Act 2002</i> requirements. In addition, conditions have been included to ensure the stormwater and sewer infrastructure will not impact on the water resources catchment area.</p>

4. REFERRALS

4.1 Internal Referrals

Advice was received from the following internal departments:

Internal department	Referral Comments Received
Development Assessment - Engineering	24 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 19 April 2016 until 12 May 2016. The Applicant submitted documentation on 13 May 2016 advising that public notification had been carried out in accordance with the *Sustainable Planning Act 2009*. Council received five (5) submissions in relation to this development application during this period. Any significant issues raised have been included in section 3 of this report.

Attachments:

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

Recommendation:

That Development Application 322.2016.45456.1 be determined as follows:

DESCRIPTION OF PROPOSAL

Material Change of Use for Function Facility and Nature Based Tourism

SUBJECT SITE

169 Bakers Road, South Kolan; described as Lot 33 on SP126633

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
- 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 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 five (5) 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. Bundaberg Canegrowers c/-Dale Holliss	PO Box 9583, Bundaberg QLD 4670
2. Susan Zunker	85 Bakers Road, Bundaberg QLD 4670
3. David C Zunker	85 Bakers Road, Bundaberg QLD 4670
4. Judith Ann Zunker	351 Weir Road, South Kolan QLD 4670
5. Kevin Erlston Zunker	351 Weir Road, South Kolan 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
45456-101	Site Plan	As amended 25 May 2016
45456-102	Toilet Block	13 April 2016
45456-103	Camp Kitchen Floor Plan and Elevations	12 April 2016
45456-104	Camp Kitchen Location Plan	12 April 2016
45456-105	Function Building Floor Plan	5 April 2016
45456-106	Function Building East Elevation	5 April 2016
45456-107	Function Building North Elevation	5 April 2016
45456-108	Function Building West Elevation	5 April 2016
45456-109	Function Building Section	5 April 2016
45456-110	Camp Facility Building	30 March 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/s	Provision under which the Condition was imposed
25, 26 and 28	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 – MATERIAL CHANGE OF USE – APPLICABLE TO ALL APPROVED USES

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.
4. All approved uses must be undertaken only with the identified use areas.

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 6.30am or after 6.30pm; 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.
7. Remove any spills of soil or other material from the road or gutter upon completion of each day’s work, during construction. These material spills and accumulated sediment deposits must be managed in a way that minimises environmental harm and/or damage to public and private property.

Flood Management

8. For new buildings and structures, position electrical and data equipment, including switchboards, power points and light switches as high as practical.

9. A Flood Evacuation Plan must be submitted to and approved by the Assessment Manager prior to the commencement of the use. The plan must demonstrate how people may be evacuated from the site to a safe gathering point above the defined flood level and must include, but not be limited to, the following features:
 - a. The defined flood level for the site;
 - b. The river height at which the property floods;
 - c. The evacuation route from the property to an evacuation centre/point and the method by which staff and patrons will be transported;
 - d. The estimated time required to reach an evacuation centre or place of safety;
 - e. The forecast river height/level at which to evacuate (Bundaberg City Gauge);
 - f. Information availability/where flood warnings will be acquired from;
 - g. The appointment of a site flood coordinator who will disseminate information to staff and patrons;
 - h. Procedures for assisting those with a disability;
 - i. A contact information collection process for all current staff; and
 - j. A plan showing primary and secondary evacuation routes and assembly areas for the development.
10. Display plans showing evacuation routes and exits in prominent locations throughout the site. The manager/operator of the facility is to have access to, and a detailed understanding of, their obligations/requirements under the Approved Flood Evacuation Plan.
11. Ensure materials stored on-site, where capable of creating a safety hazard by being shifted by flood waters, are contained in order to minimise movement in times of flood or are readily able to be moved in a flood event.
12. No bulk storage of hazardous material below the defined flood level is permitted.
13. Do not undertake any works within the watercourse or associated buffer.
14. Do not clear any native vegetation within 100 metres of any watercourse.

Lighting

15. 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 undue nuisance to residents.

Waste Management

16. Maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause any nuisance or release of any waste to waterways to the satisfaction of the Assessment Manager.

17. An on-site Waste Management Plan must be submitted to and approved by the Assessment Manager. The plan must have regard to the conditions of this approval and include, but not be limited to, the following details:
 - a. the waste management process, including the type and size of receptacle/s to be utilised (e.g. 240 litre mobile waste bins, 1m³ bulk bins) for general waste and recycling;
 - b. the location of waste receptacle storage areas and collection points;
 - c. how waste collection vehicles will be able to safely and effectively access bins; and
 - d. if bins are to be collected from the kerbside, demonstrate that this location has the capacity to adequately contain the maximum number of bins to be collected on collection day.
18. An impervious bin storage area (Bin Enclosure) for waste receptacles, must be provided in accordance with the following:
 - a. the bin storage area must be sufficient to accommodate all refuse containers required by the Assessment Manager for the scale of the development; and
 - b. the bin storage area must be aesthetically screened from the road frontage and adjoining properties by landscaping or constructed screening.
19. The bin storage enclosure must be maintained in a clean and sanitary manner at all times.
20. Ensure that any potential food / waste sources are covered and collected so that they are not accessible to wildlife.
21. No burning of waste on-site is permitted.

Water Supply

22. A supply of potable water must be made available to guests. The water must satisfy the Australian Drinking Water Guidelines 2011, or relevant standard applicable at the time.
23. The Developer must provide additional water supplies for other purposes via rainwater storage tank/s or bores of sufficient capacity for the proposed development, or other means satisfactory to the Assessment Manager. Any water supply point which provides water not suitable for drinking must be labelled 'unsuitable for drinking'.

Sewerage

24. 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 ensure release of only Class A reclaimed water in accordance with the Water resources catchment overlay code contained within the Bundaberg Regional Council Planning Scheme 2015.

Roadworks

25. Provide a Local Access type road in accordance with IPWEAQ Lower Order Road Design Guidelines from the end of the Bakers Road existing seal to the main property entrance.

Property access and driveways

26. Driveways must generally comply with the standards specified in the *planning scheme policy for development works – driveways and access to developments*, and the approved plan, Drawing No. 45456-101, Site Plan with inclusion of speed humps at about 20 metres, 100 metres and 250 metres measured from the road boundary gateway.
27. If Council receives a dust complaint regarding the use of the unsealed driveway along the eastern property boundary and that complaint is substantiated by the Council, the operator of the approved uses must provide a sealed access driveway which is constructed and sealed with asphalt, concrete, bitumen or approved pavers for its full length and to a width of a minimum three (3) metres. Pavement must be abutted by concrete edge strips.

Car Parking

28. 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.

PART 1B – MATERIAL CHANGE OF USE FOR FUNCTION FACILITY**Nature and Extent of the Approved Use**

29. Unless otherwise approved in writing by the Assessment Manager, the hours of operation for the approved use are limited to:
 - a. Monday to Thursday inclusive– 8.00 am to 10.00 pm;
 - b. Friday and Saturday – 8.00 am to 12.00 pm; and
 - c. Sunday and public holidays – 9.00 am to 10.00 pm.
30. Unless otherwise approved in writing by the Assessment Manager, all deliveries, loading/unloading activities and refuse collection are to be undertaken between the hours of 6 am to 6 pm Monday to Friday inclusive, Saturday 8 am to 5 pm and 9 am to 5 pm Sunday.
31. The Function Facility is restricted to a maximum of 140 patrons/guests.

Car Parking

32. A Traffic Management Plan prepared by a suitably qualified person must be submitted to and approved by the Assessment Manager prior to the commencement of the use. The Traffic Management Plan must have regards to the number of vehicles attending the site for any single event and must include the following operational parameters:

- a. For events up to 70 guests, a maximum of 40 cars are to be accommodated on site. No on-street parking is permitted.
- b. For events with between 70 to 140 guests, a maximum of 20 cars are to be accommodated on site with bus transport to be provided for the balance of the guests. No on-street parking is permitted.

When approved, the Traffic Management Plan will form part of the Approved Plans for this development and must be implemented for any events.

PART 1C – MATERIAL CHANGE OF USE FOR NATURE BASED TOURISM

33. The Camp Facility building must not be used for accommodation purposes.
34. The farm shed adjacent to the Camp Facility building must not be used in association with the Nature Based Tourism use.
35. The camping areas associated with Camping Area “1” must be setback a minimum distance of 40 metres from all property boundaries.
36. Submit to and have approved by the Assessment Manager amended plans which incorporates Camping Area “1” setback a minimum distance of 40 metres from all property boundaries and Camping Area “2” setback a minimum distance of 20 metres from all property boundaries. Once approved, the amended plans will form part of the Approved Plans for this development.
37. Establish vegetated agricultural buffer within the boundaries of the subject site in the location identified as Vegetated Buffer “Area 1” on the Approved Plans. The buffers must:
 - a. Have a minimum total width of 40 metres;
 - b. Contain random plantings of a variety of tree and shrub species of differing growth habits, at spacings of four (4) to five (5) metres for a minimum width of 20 metres;
 - c. Include species with long, thin and rough foliage which facilitates the more efficient capture of spray droplets;
 - d. Provide a permeable barrier which allows air to pass through the buffer. A porosity of 0.5 is acceptable (approximately 50% of the screen should be air space);
 - e. Foliage is from the base to the crown;
 - f. Include species which are fast growing and hardy;
 - g. Have a mature tree height 1.5 times the spray release height or target vegetation height, whichever is higher;
 - h. Have mature height and width dimensions which do not detrimentally impact upon adjacent cropped land;
 - i. Include an area of at least 10m clear of vegetation or flammable material to either side of the vegetated area.
38. Maintain the agricultural buffer in perpetuity or until such other time as is agreed to in writing by the Assessment Manager.
39. Signage must be erected delineating the boundary of the camping area for the northern camping area.

40. Guest stays are limited to a maximum of 14 consecutive nights.
41. Car parking associated with the Nature Based Tourism must not be located within the boundary setbacks/ buffers specified in Condition 37.
42. All existing common property boundary fencing adjacent to the camping areas must be maintained at all times.
43. The maximum number of camp sites on the site must not exceed 100.

PART 1D – ADVICE NOTES

Infrastructure Charges Notice

- A. Please find attached the Infrastructure Charges Notice (Register No: 331.2016.825.1) applicable to the approved development.

Flood Evacuation Plan

- B. In order to protect and/or minimise the damage to property and aid in business continuity post-flood, a flood preparation checklist may be included in the Flood Evacuation Plan for the development which addresses matters such as:
 - a. The preparation of an emergency flood kit;
 - b. The packing of critical documentation (legal, financial, insurance) in a waterproof container;
 - c. The backing up of critical data to a portable storage device and its storage in a safe place;
 - d. Raising of items to a higher level;
 - e. Securing hazardous items (e.g. gas bottles);
 - f. Moving or elevating dangerous items (e.g. chemicals);
 - g. Switching off electricity at the switchboard;
 - h. Turning gas at the meter; and
 - i. Blocking toilet bowls and covering drains with a strong plastic bag filled with earth or sand.

Resubmission of Amended Plans Required

- C. The conditions of this Decision Notice require resubmission of plans to the Assessment Manager with amendments. Please address the amended plans to the Assessment Manager with the Application Number: 322.2016.45456.1.

Environmental Harm

- D. 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.

Amenity

- E. The approved uses must not impact on the neighbouring properties in regards to noise and odour in accordance with the *Environmental Protection Act 1994*.

Nature and Extent of Approved Development

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

Signage

- G. 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.

Operational Works

- H. This Decision Notice does not represent an approval to commence Operational Works. Any Operational Works associated with this Material Change of Use or other engineering work proposed on the lot is subject to relevant assessment under the Bundaberg Regional Council Planning Scheme 2015 or the instrument in effect at the time of assessment. This can include works for on-site landscaping, internal vehicle circulation, manoeuvring and car parking areas, on-site stormwater management and access driveways.

Agricultural Activities

- I. Guests and operators of the approved Function Facility and Nature Based Tourism uses are advised that the property is surrounded by existing rural properties and on-going rural activities are exempt development. Lawful agricultural activities may produce noise, dust and lighting impacts which have the potential to impact on the adjoining land/uses.

Building Works

- J. The Developer is advised to contact a building certifier in relation to required building works approvals for any permanent or temporary marquee building/structure that will be erected in association with this approval.

General

- K. All operators of the approved use will be required to comply with the *Food Act 2006* and Council's minimum requirements for food premises. All necessary approvals should be obtained from the Environmental Health Services Section of Council prior to commencement of the approved use. For further information about these requirements please contact Council's Environmental Health Services Section on 1300 883 699.

- L. Should any of the replacement structures or equipment differ from the business' original approved plans, Council's Environmental Health Services Section must be notified to amend details concerning the license under the *Food Act 2006*. This will enable Council to maintain accurate records and ensure compliance. Copies of the original plans for the premises' food preparation areas can be obtained from Council. Plans detailing any proposed modifications should be provided to Council prior to construction.

The operator is required to provide an expected completion date for any proposed work so that a pre-opening inspection can be arranged. For further information about these requirements please contact Council's Environmental Health Services Section on 1300 883 699.

Sewerage Treatment

- M. The developer/operator should engage an appropriately qualified consultant to assess the suitability of any wastewater treatment system to cater for the proposed development, including application for an Environmentally Relevant Activity if the treatment capacity exceeds 21EP.

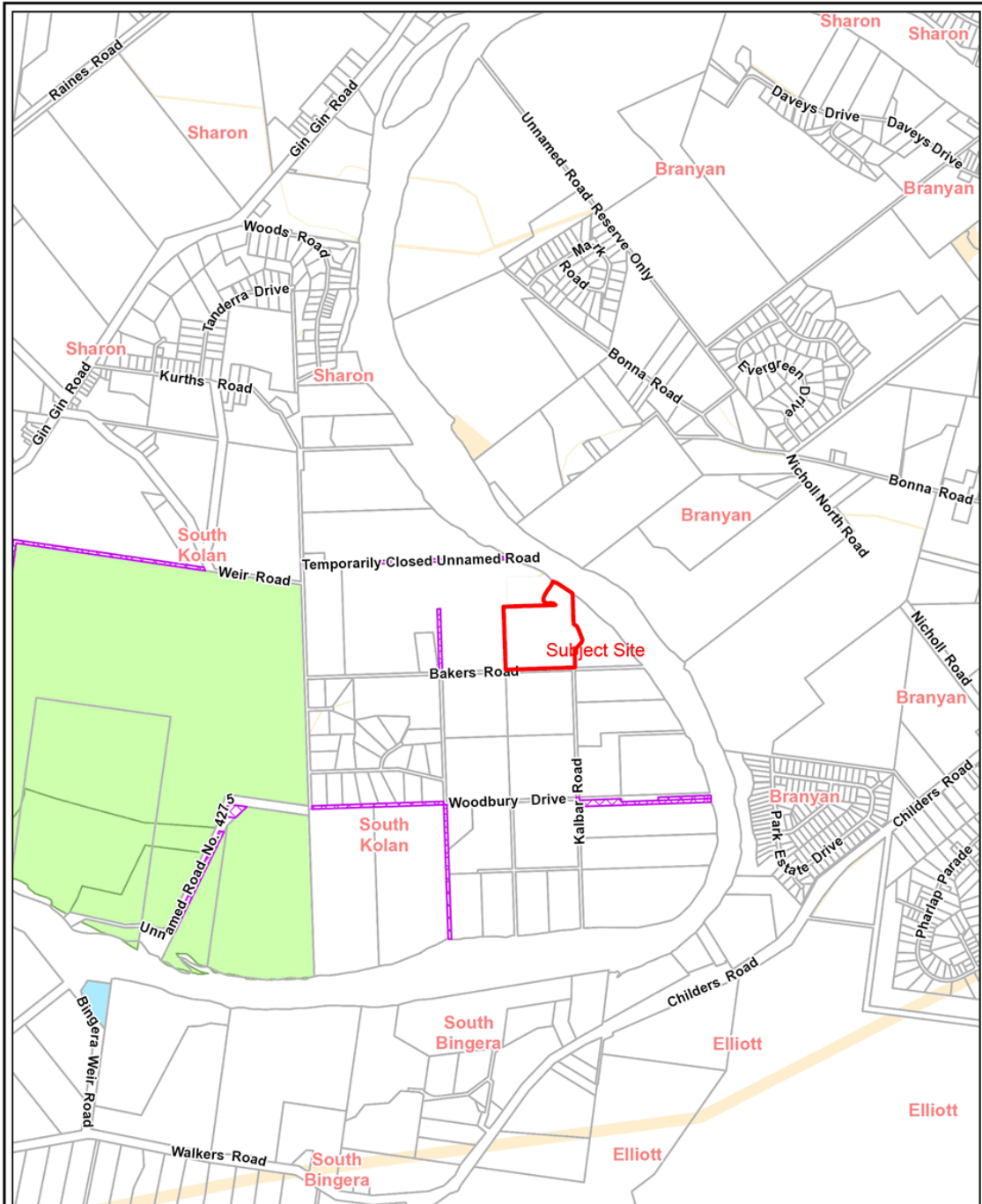
PART 1E – PROPERTY NOTES



- A. Development Approval 322.2016.45456.1 – Rural Activity

Guests and operators of the approved Function Facility and Nature Based Tourism uses are advised that the property is surrounded by existing rural properties and on-going rural activities are exempt development. Lawful agricultural activities may produce noise, dust and lighting impacts which have the potential to impact on the adjoining land/uses.

- B. Development Approval 322.2016.45456.1 – Agricultural Buffer

An Agricultural buffer has been established on this property to help mitigate any impact (eg spray drift, noise etc) from current and future agricultural activities located nearby. The owner/operator is responsible for the maintenance of the agricultural buffer as shown on the Approved Plans.



  **Locality Plan**
169 Bakers Road, South Kolan

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
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0.64 0 0.32 0.64 Kilometers Author:



Site Plan
169 Bakers Road, South Kolan

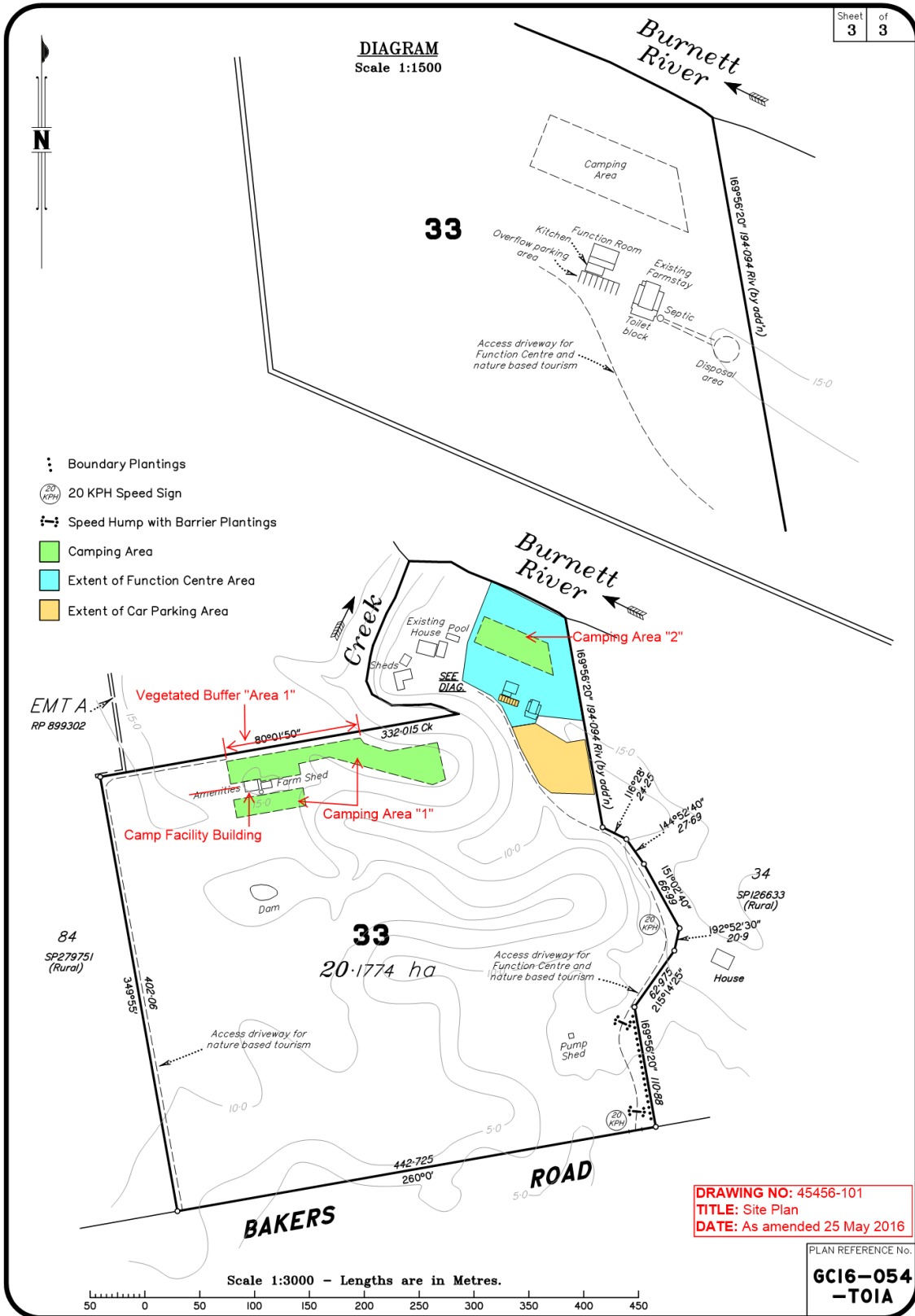
 

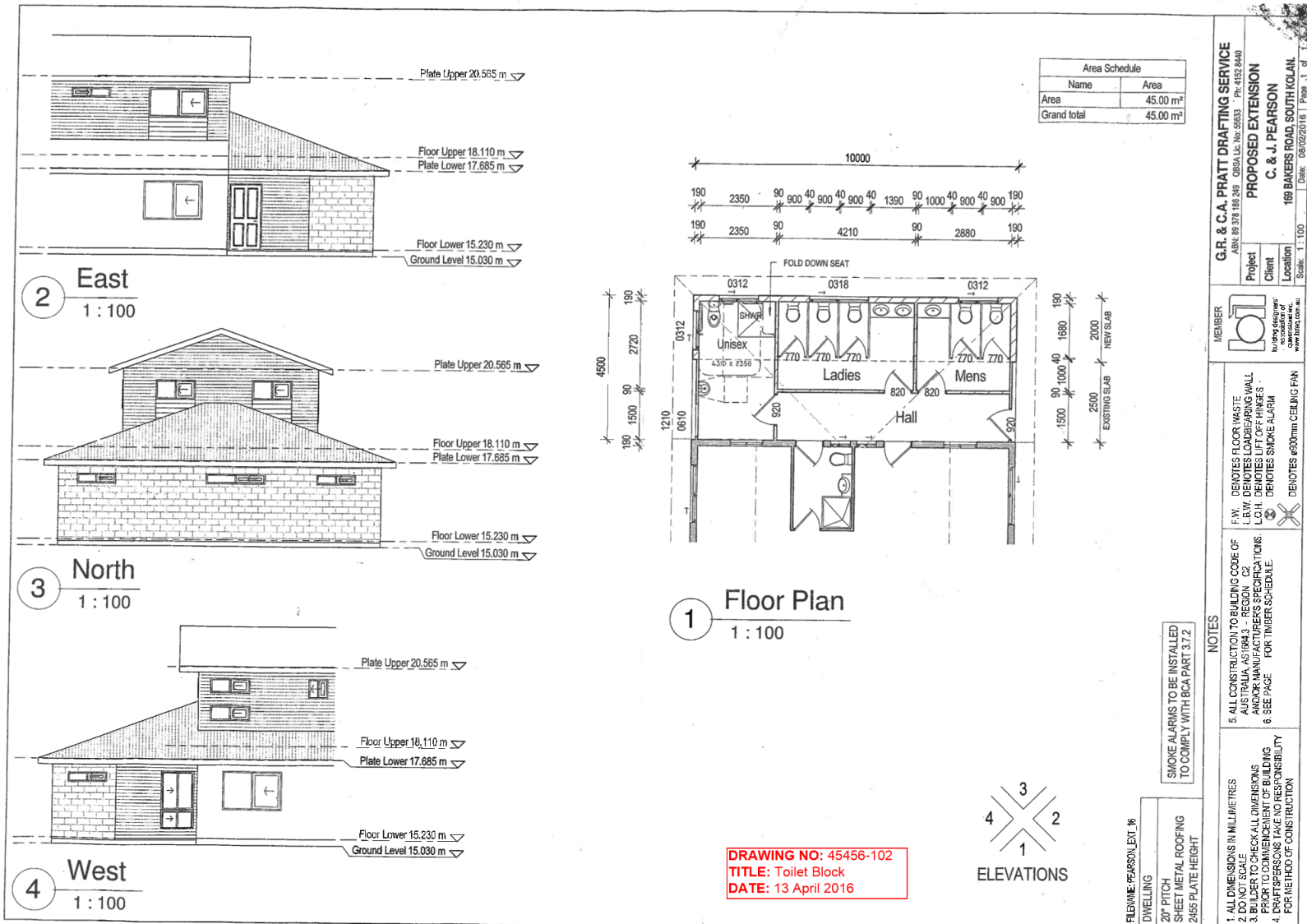
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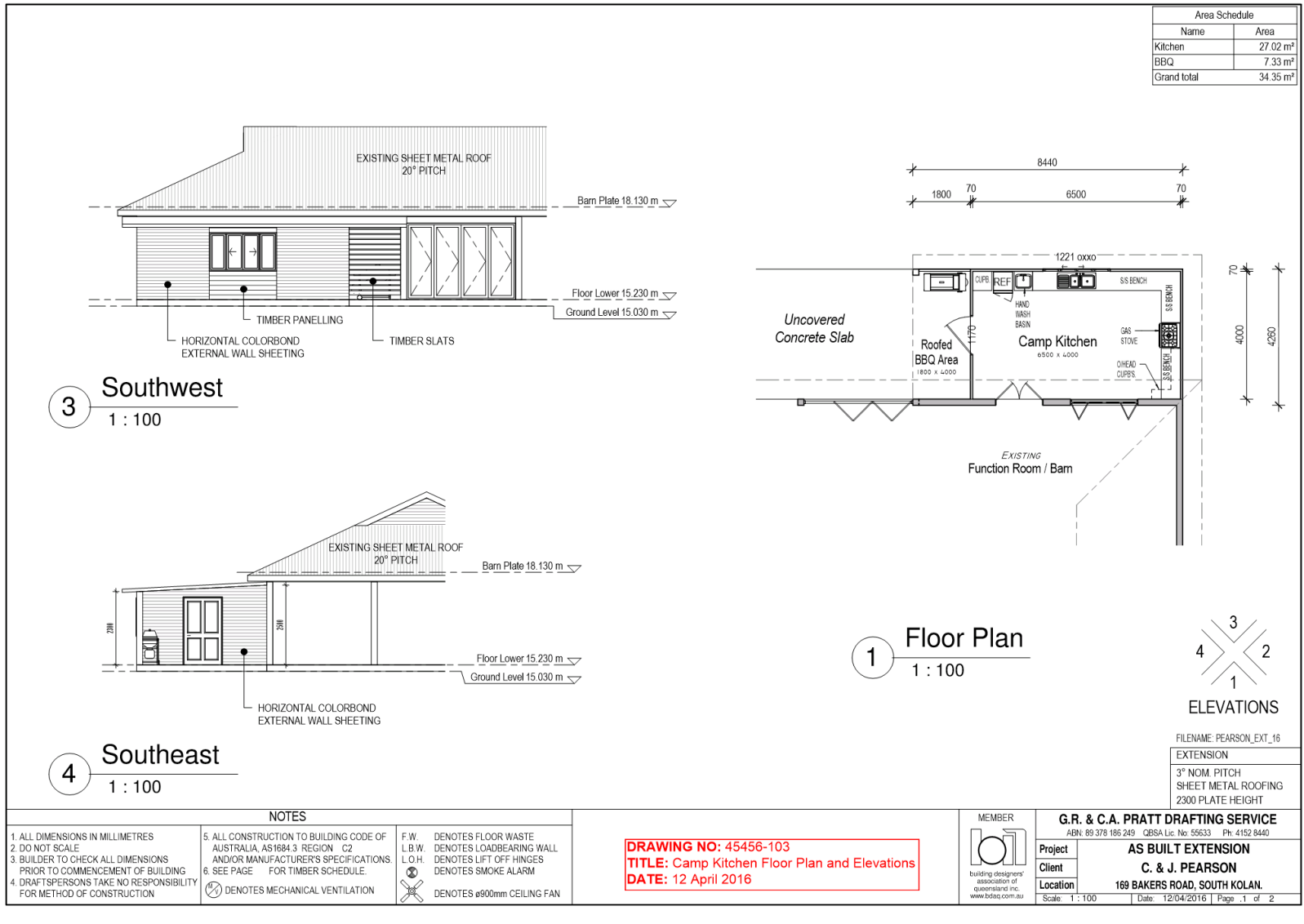
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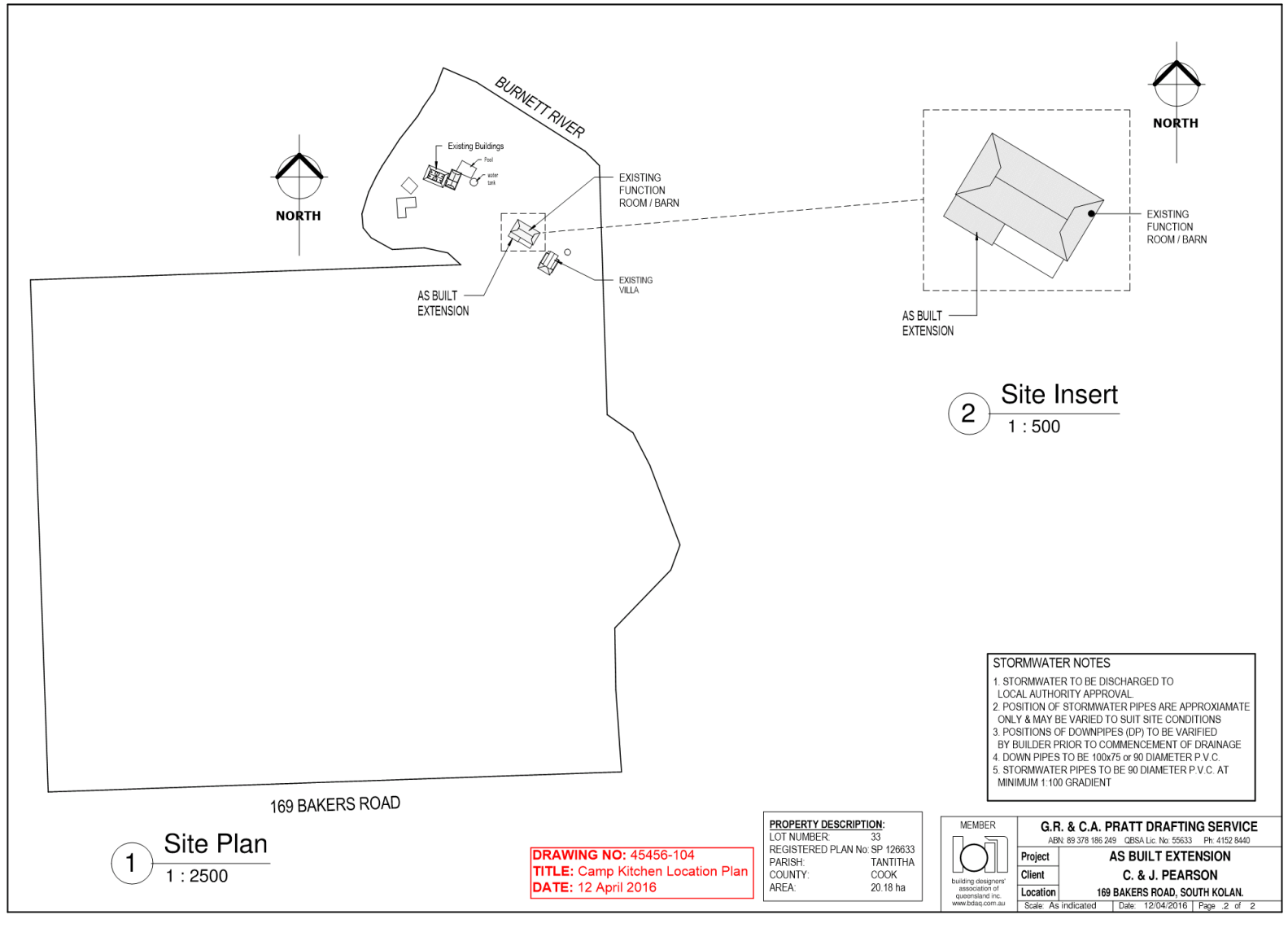
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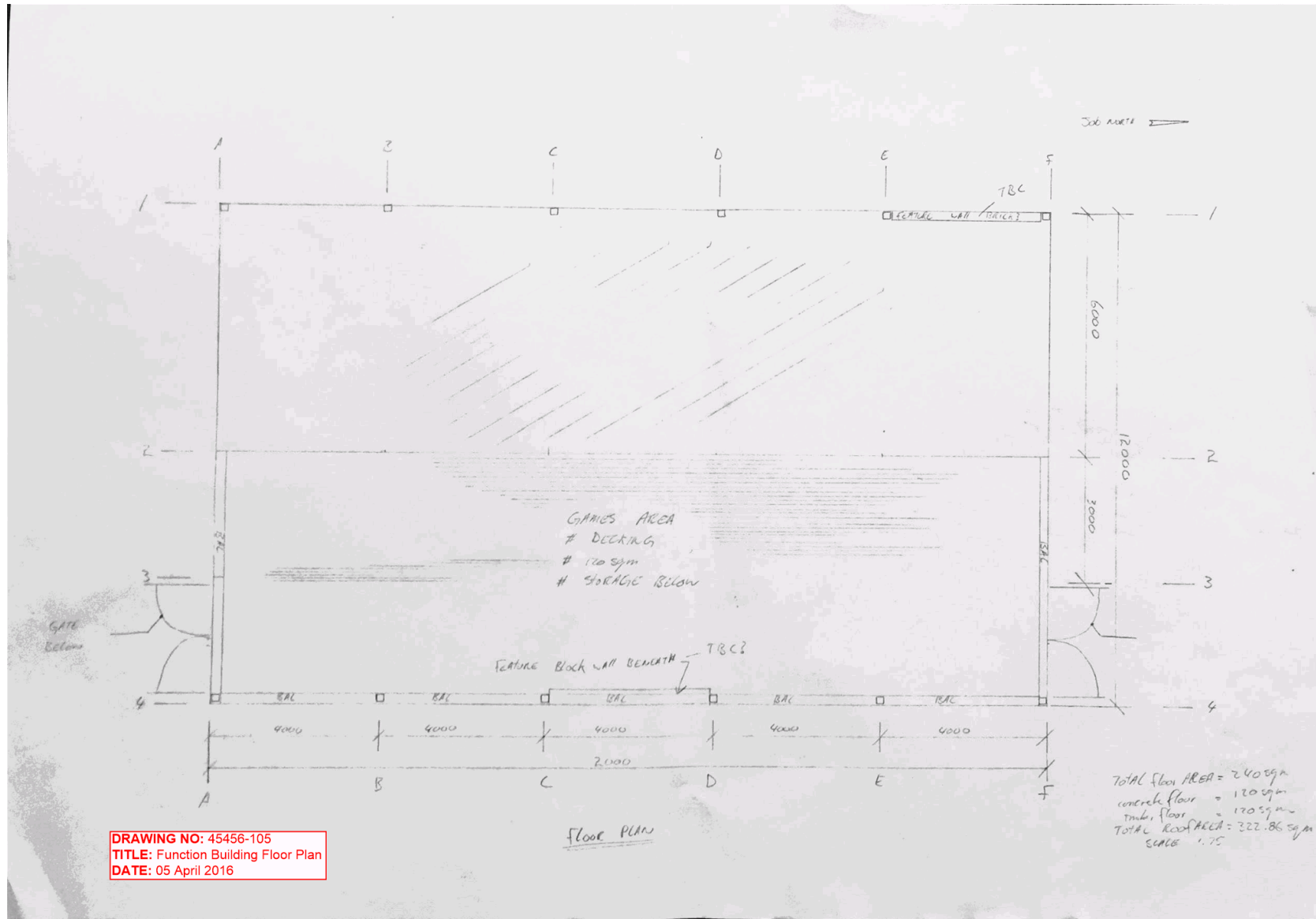
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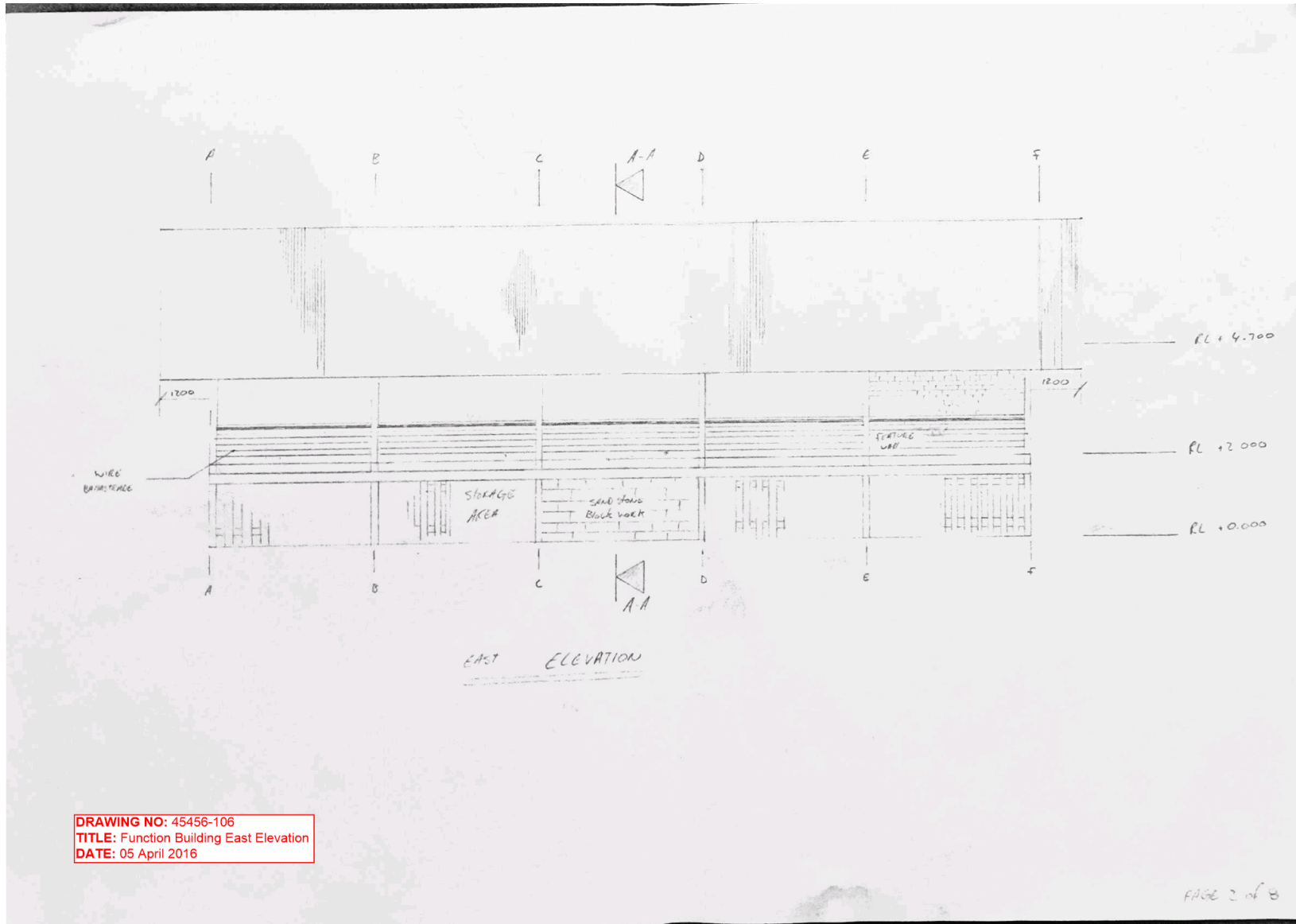


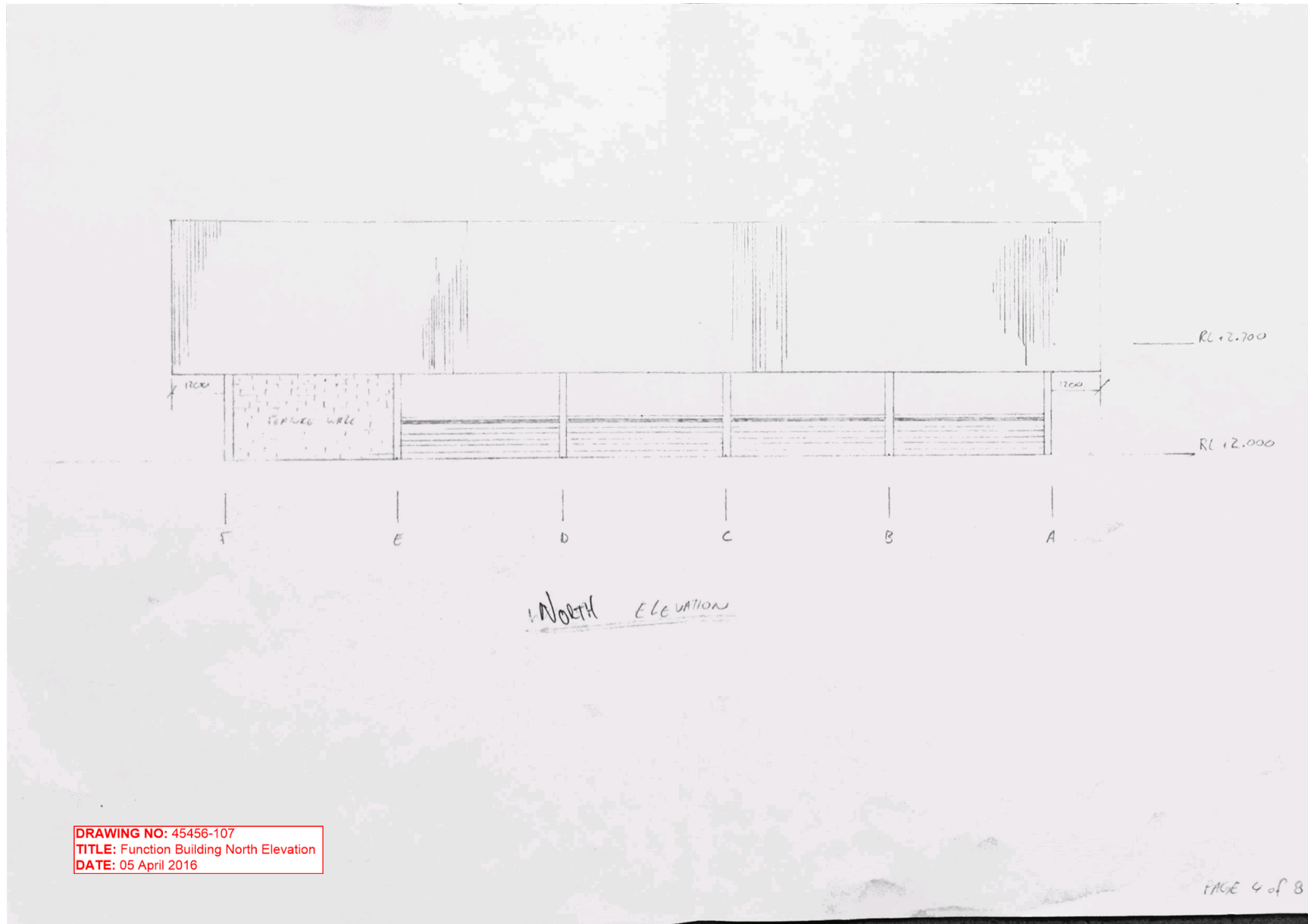


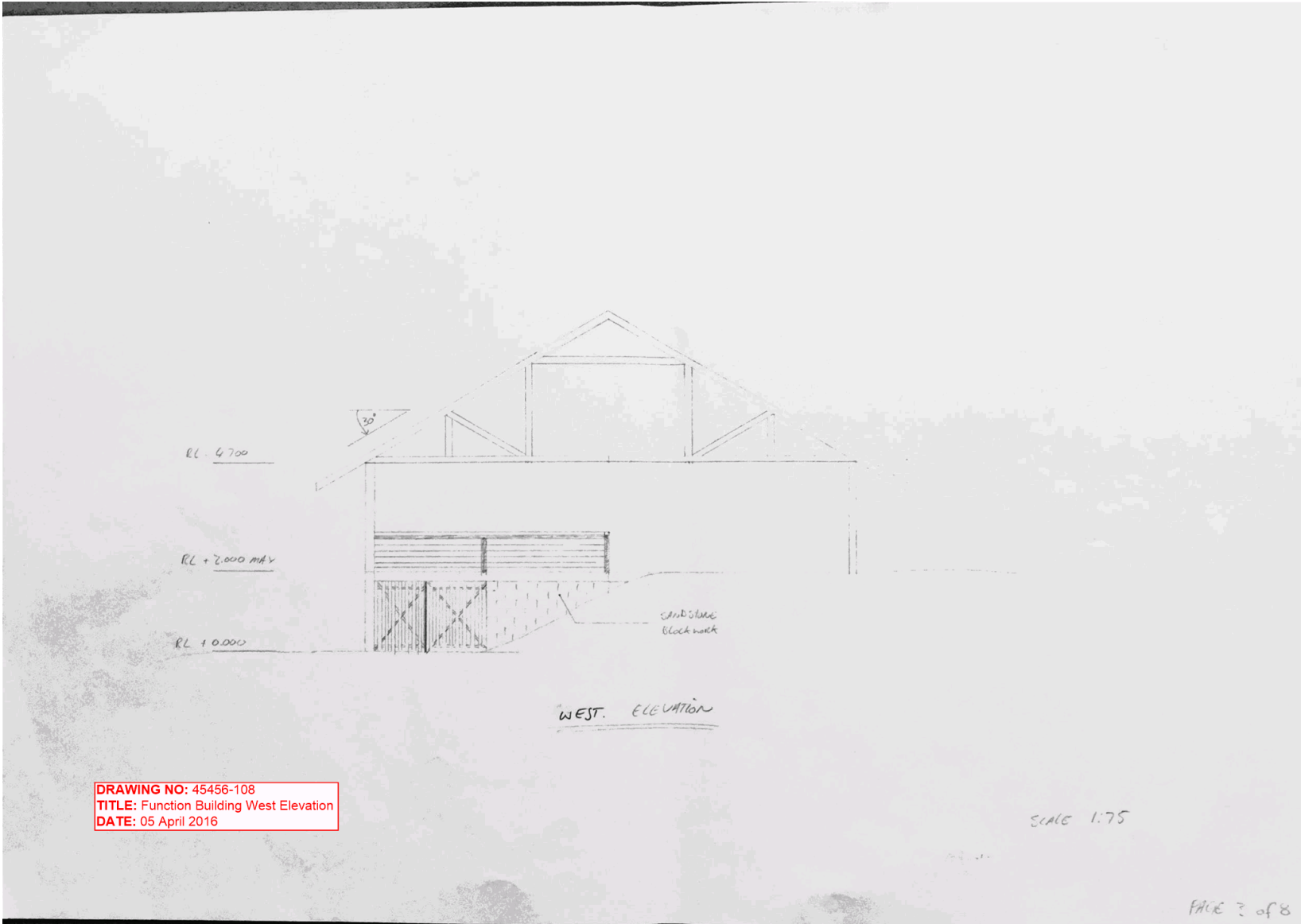


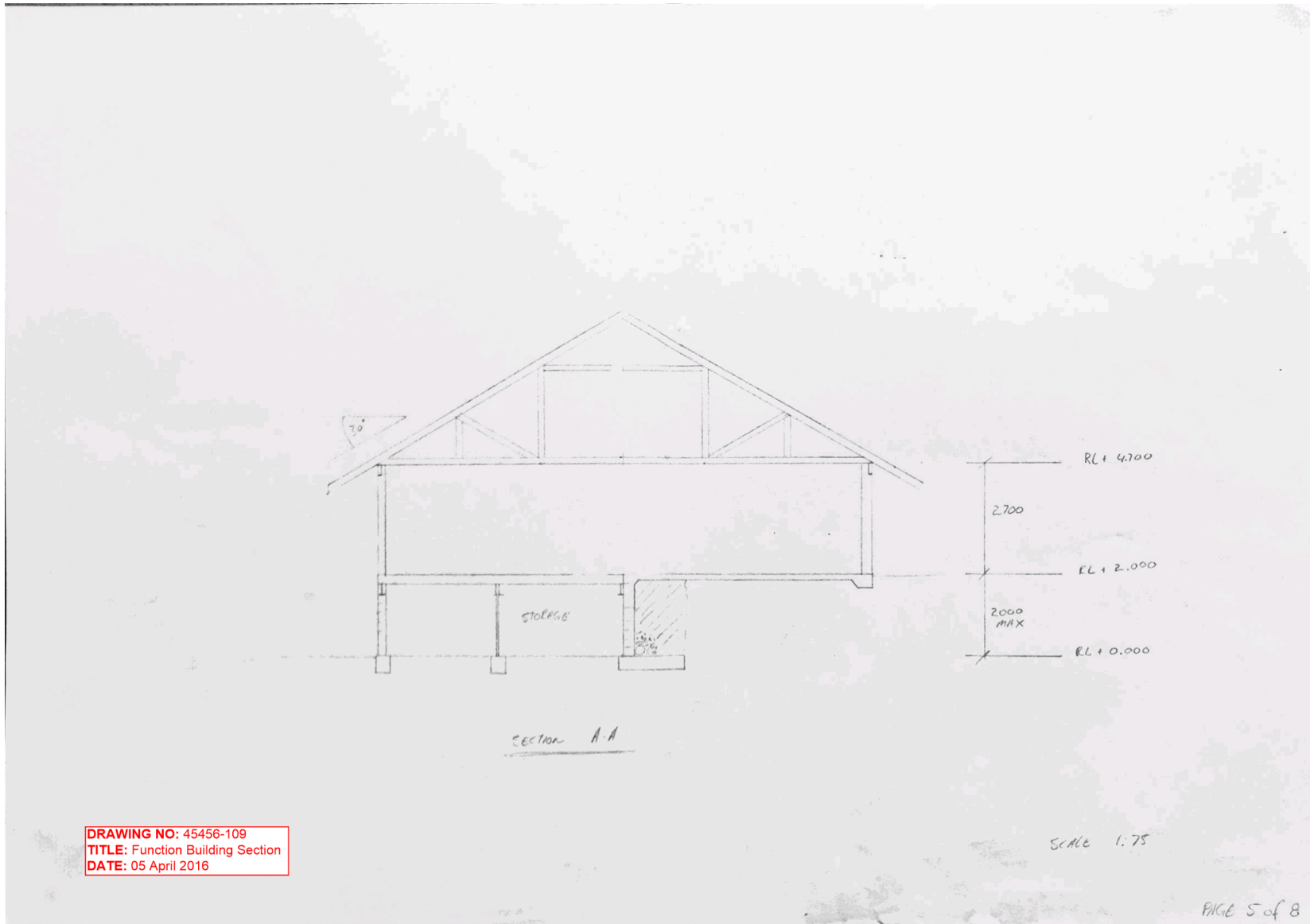




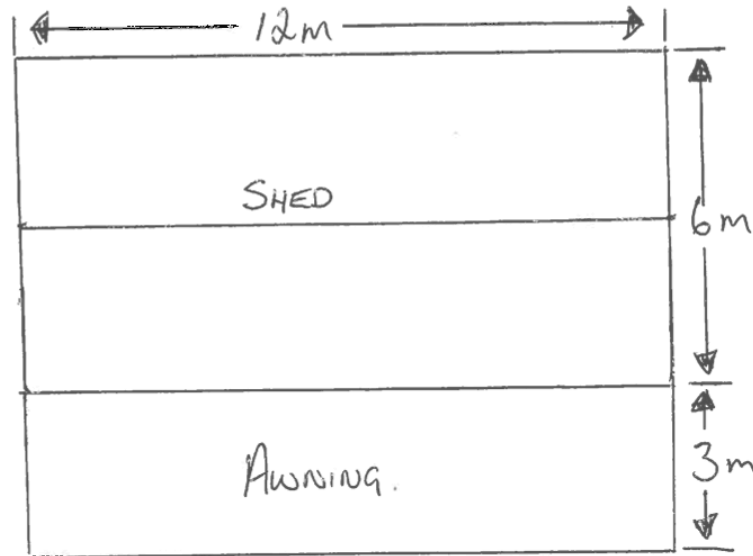
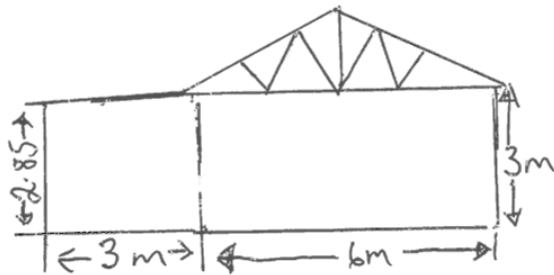








Camp Facility



DRAWING NO: 45456-110
TITLE: Camp Facility Building
DATE: 30 March 2016



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: CJ & JA Pearson
 C/- InsiteSJC

Date of Issue: 24 May 2016
Register No.: 331.2016.825.1

Land to which the Charge Applies

Address: 169 Bakers Rd, South Kolan
 Property Description: SP126633/33

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.: 322.2016.45456.1

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 = \$353,794.00
 (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 change of use happens**
- 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: CJ & JA Pearson
 Applicant address: C/- InsiteSIC
 Site address: 169 Bakers Rd, South Kolan
 Lot/Plan: SP126633/33

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

Development Type: Material Change of Use
 Due date for payment: before the change of use happens
 Dev Approval No.: 322.2016.45456.1
 Register No.: 331.2016.825.1

Prepared by: Ross Hunter
 Date of Issue: 24/05/2016
 Authorising Officer: Richard Jenner
 Inside PIA: No

PO Box 3130, BUNDABERG QLD 4670
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 ABN 72 427 835 198

Adopted Infrastructure Charges: \$ 353,794.00
 Offset: n/a
 Additional Charge Condition: n/a
 AICN - Amount Payable: \$ 353,794.00

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
	MCU	New	Bundaberg Partially Serviced (no wastewater and no water supply)	Places of assembly	Function facility	\$ per m ² GFA plus \$ per m ² impervious area	n/a	\$ 49.00	\$ 7.00		311	365	n/a	0%	\$ 17,794.00
	MCU	New	Bundaberg Partially Serviced (no wastewater and no water supply)	Accommodation (short term)	Tourist park - caravan or tent	\$ per 1 caravan or tent site	\$ 3,360.00	n/a	n/a	100			n/a	0%	\$ 336,000.00
Adopted Infrastructure Charges Total: \$ 353,794.00															

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

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****07 June 2016**

Item Number:	File Number:	Part:
N1	A2577905	COMMUNITY & CULTURAL SERVICES

Portfolio:

Community & Environment

Subject:

Partnership & Sponsorship Grant Application – CareFlight Rescue – Bundaberg Region

Report Author:

Bruce Green, Operational Supervisor Community Development

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:

Community - 4.1.2 Equitable access to adequate services and well maintained facilities

Background:

Council has received a Partnership & Sponsorship Grant application from CareFlight Rescue seeking Councils continued support of its operations in the Bundaberg Region. They are seeking a \$50,000 donation for the 2015/16 financial year.

Each critical rescue mission undertaken by CareFlight costs on average \$12,500. Recently over the Easter weekend alone, CareFlight carried out 33 missions with nine of those being tasked from the Bundaberg base at a total estimated cost to the local service of \$112,500. In 2015 the CareFlight service helped over 1,400 people with 243 of the rescue missions being tasked from the Bundaberg base.

It should be noted that CareFlight Rescue have received an annual \$50,000 donation since 2010.

“On board every lifesaving mission is a critical care doctor, an intensive care paramedic, a pilot & an air crewman. Our flight region covers over a quarter of a million square kilometres south into New South Wales, north to the town of 1770, west to the Surat Basin and up to 100 nautical miles out to Sea. There are currently 6 community choppers at four bases, Gold Coast, Maroochydore, Toowoomba and Bundaberg.

Each lifesaving mission costs \$12,500 at no direct cost to the patient and with over 40,000 lives saved in the past 34 years & 1400 lives saved in the past year the service is reliant on support from the community.

To provide critical lifesaving care to 31 council regions in 2015-2016 the total CHP (Community Helicopter Provider) forecast funding is \$23,280,968 of which the government will support \$15,640,391 leaving a 28% (\$6,508,170) shortfall which is to be made up by community and corporate fundraising”

Associated Person/Organization:

Heidi Mason, Community Events Coordinator

Consultation:

Bruce Green, Operational Supervisor Community Development

Cr Judy Peters, Portfolio spokesperson Community & Cultural Services

Legal Implications:

There appear to be no legal implications.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

There is an allocation of funds in the 2015/16 budget for this activity.

Risk Management Implications:

There appears to be no risk management implications.

Communication Strategy:

Communication Strategy required? (Please select one)

- Not applicable
- Yes – Communications Team consulted

Attachments:

- 1 Consolidated Financial Statements - Confidential

Recommendation:

That a donation in the amount of \$50,000 be provided to CareFlight Rescue for the 2015/2016 financial year.

**Item****07 June 2016****Item Number:**

N2

File Number:

fA66204

Part:COMMUNITY & CULTURAL
SERVICES**Portfolio:**

Community & Environment

Subject:

Moncrieff Entertainment Centre Concessions for Department of Veteran Affairs TPI Gold Card and Companion Card Holders.

Report Author:

Gavin Steele, General Manager Community & Environment

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:

Community - 4.1.2 Equitable access to adequate services and well maintained facilities

Background:

The Secretary of the Bundaberg Branch of The Australian Federation of Totally and Permanently Incapacitated (TPI) Ex-Servicemen and Women, Mr Ted Stokes, has written to Council asking if there was a possibility of providing concessional entry to some Council venues for holders of Department of Veteran Affairs (DVA) TPI Gold Cards and associated Companion Card Holders.

Bundaberg Regional Council proudly supports local groups that represent ex-service people and recognises the valuable contribution and sacrifice that they have made in the protection of our country and way of life.

Mr Stokes had suggested that at appropriate venues operated by Council, where there was a charge for entry, that Council consider charging the TPI Gold Card holder a \$1 entry and providing free entry for their associated Companion Card Holder.

Council considered this request and in recognition of its strong support for veterans in our community, it is recommended that upon presentation of a valid current card, that Council provide free entry to the Moncrieff Entertainment Centre for regular cinema screenings for TPI Gold Card holders and their associated Companion Card holders when accompanying a TPI Gold Card holder.

Associated Person/Organization:

Mr Ted Stokes – Secretary, The Australian Federation of Totally and Permanently Incapacitated (TPI) Ex-Servicemen and Women (Bundaberg)

Consultation:

Councillor Judy Peters

Legal Implications:

There appear to be no legal implications.

Policy Implications:

If adopted by Council the proposed concession will be included in the Moncrieff Entertainment Centres Fee Waiver Policy.

Financial and Resource Implications:

Whilst free entry to the Moncrieff Entertainment Centre for TPI Gold Card holders and their accompanying Companion Card holders will represent a discount of \$8 per person on current 2015/16 cinema ticket prices, this concession is unlikely to represent a significant financial impact to Council.

Risk Management Implications:

There appears to be no risk management implications.

Communication Strategy:

Communication Strategy required? (Please select one)

- Not applicable
- Yes – Communications Team consulted

Attachments:

- 1 Letter of request

Recommendation:

That the Moncrieff Entertainment Centre Fee Waiver Policy be amended to provide all valid current Department of Veteran Affairs TPI Gold Card holders and their accompanying Companion Card holders, upon presentation of their cards, free entry for regular cinema screenings at the Moncrieff Entertainment Centre.



COPY

The Australian Federation of
Totally and Permanently
Incapacitated (TPI)
Ex-Servicemen and Women
(Bundaberg Social Centre)
P.O. Box 1505
Bundaberg QLD 4670

8th September 2015

Mayor Mal Forman
Bundaberg Regional Council
PO Box 3130
Bundaberg QLD 4670

Dear Mayor Forman,

I am writing to you today on behalf of the President, Committee and members of TPI Bundaberg, with regard to a conversation you recently had with one of our members, Mr Mike Gibb, concerning the possible introduction of special entry concession rates to Bundaberg Regional Council venues, for DVA TPI Gold Card and associated Companion Card holders.

I believe that the Reading Theatre Complex was used as an example, where by the TPI Veteran is charged \$1.00 for entry and the associated Companion Card user is given free entry. I have enclosed some information relating to the TPI Veteran and an example of the Gold Card and additionally, information relating to the Companion Card.

I have also been advised by a number of our members at the August 2015 Monthly Meeting, that there has been a long standing problem with the actual recognition of both cards at the entry points to BRC venues. I would also request that information regarding the cards be widely distributed to the relevant BRC venues.

Lastly, I would like to take this opportunity to invite you to Chair our Annual General Meeting to be held on the 20th November 2015. It will commence at 11am and be held at the Defence (VVAA) Veteran's Drop-In Centre on the Cnr of Pitt and May Streets, Bundaberg. Lunch will be provided and Mrs Forman is welcome to attend.

Yours Sincerely,

Ted Stokes
Secretary

Ph. 41550593

Giving Support – Lest We Forget



PROFILE – What is a TPI?

A BRIEF DESCRIPTION OF A TPI

(TOTALLY and PERMANENTLY INCAPACITATED)

A Totally and Permanently Incapacitated ex-servicperson (TPI) has become disabled as a result of an injury whilst serving in the Armed Forces (Navy, Army or Airforce). A TPI recipient is recognition of disablement preventing participation in the workforce. Disablement may result from a physical and/or mental injury.

Some of the more obvious physical injuries include a broken back from a vehicle or helicopter crash, an injury from bullet wounds, or losing the use of body parts from an exploding bomb or land mine.

Mental injuries are more difficult to see, resulting from involvement in a horrific situation that has left an indelible mark on the ex-servicperson's capacity to cope with the daily routines of life. The trauma of the horrific situation may cause lifelong 'flashbacks' that stop the ex-servicperson from having a normal sleep or being able to take responsibility for even simple tasks. The mental injury may severely change the ex-servicperson's personality such that they cannot interact in society. Personality change may result in aggressive or reclusive behaviour. Mental injury tends to make personal relationships very difficult.

After discharge from the Armed Forces and at some time during the remainder of their working life, an ex-service person may find they are unable to produce an adequate income due to either their physical and/or mental disablement. In such cases, the ex-servicperson will seek support from the Australian Government through the Department of Veterans' Affairs (DVA).

DVA in granting the TPI (Special Rate) Pension, take into account incapacity from war or defence caused disabilities that alone, are so great that a veteran cannot undertake any employment totalling more than eight (8) hours per week.

The TPI Pension is paid to compensate veterans for injuries or diseases caused or aggravated by war service or certain defence service, on behalf of Australia. The individual TPI should always be recognized as the recipient of compensation, paid to a veteran by a grateful government, to compensate for incapacity resulting from service on behalf of our nation.

The term TPI is a statement that, by undertaking service for Australia, the ex-servicperson's career was cut short by a tragic event. Thus, the term TPI is also a living statement about the cost of military action.

Not only do Australians work to make an income, they also gain status, pride and self esteem from their work contribution. A TPI is unable to say 'this is what I do' in society. Instead, the TPI welcomes your recognition for their contribution towards the ongoing freedom that all Australians enjoy.

The above was written by Jenny Shaw, Ron Shaw and Ken Savage of the Ipswich Social Centre

Companion Card

The Companion Card program has been introduced to support people with a disability who have a life-long need for attendant care and support to participate in community activities and attend venues.

The Companion Card allows one accompanying carer to travel with the cardholder at no charge. Additional companions must also hold or purchase a valid ticket or pass. Cardholders must hold or purchase a valid ticket or pass for their travel.

The card is accepted on all TransLink bus, rail and ferry services in south east Queensland, as well as on qconnect urban bus services in regional centres of Queensland. Cardholders from any state or territory may use their card on these services.



For more information, contact Smart Service Queensland on 13 13 04[†] (Monday to Friday, 8am to 6pm) or email cardservices@smartservice.qld.gov.au.

Alternatively, to download an application form or learn more about eligibility and the affiliated venues and services where the card is accepted across Australia, visit the national [Companion Card website](#)*

*The content found by using this link is not created, controlled or approved by this department. No responsibility is taken for the consequences of viewing content on this site. This link will load into a new window.

[†]Local call from anywhere in Australia, call charges apply for calls from mobile phones and pay phones.

No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 9.0.872 / Virus Database: 271.1.1/3447 - Release Date: 02/16/11 06:20:00

Business affiliates

Strong support from the business sector is vital to the success of the program.

There are also benefits for businesses that choose to affiliate with the program. The Companion Card:

- provides a simple, consistent and reliable method of identifying people with a disability who require attendant care support to participate in activities and visit venues
- assists organisations to meet some obligations under anti-discrimination laws
- is an opportunity for businesses to demonstrate their commitment to social inclusion and community access for people with a disability and present a positive public image.

Details of affiliates are published online, making it easy for cardholders to locate venues and activities where the card is accepted.

The program has support across government and is endorsed by the Human Rights and Equal Opportunity Commission and the Anti-Discrimination Commission Queensland.

The Companion Card program is a practical way for organisations to promote the human and legal rights of people with a disability to participate in community life.

The Companion Card does not guarantee the physical accessibility of venues.

How to affiliate

Businesses and organisations register with the program by completing an affiliation application form. Affiliates receive promotional materials, ongoing support and information.

How to apply for a card

Applicants complete a cardholder application form and return it to the reply paid address.

Detailed information about the eligibility criteria and the application process is provided in the cardholder handbook.

More information

Further information, handbooks and application forms are available from:

Phone: 13 QGOV (13 74 68)**
(Monday to Friday, 8.00 am – 6.00 pm)

TTY users can call the National Relay Service on 133 677

*Interpreter services are available and supported
**Calls from mobile phones are charged at applicable rates

Email: cardservices@smartservice.qld.gov.au

Website: www.companioncard.gov.au

The Companion Card® is a registered trade mark owned by the State of Victoria.

Photography: Cover (left) – Photographer: Peter Waddington; Cover (right) and page 2 and 4 – © Top Shot Page 3 – © Istockphoto.com



QUEENSLAND

Easy & fair

Companion Card

Fair ticketing for people with disability who require a companion

An easy way for organisations to promote the participation of people with a disability in community life



1-11 AUG11

