



**AGENDA FOR ORDINARY MEETING
TO BE HELD IN COUNCIL CHAMBERS, BUNDABERG
ON TUESDAY 19 NOVEMBER 2019, COMMENCING AT 10.00 AM**

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**Item****19 November 2019****Item Number:**

C1

File Number:

.

Part:

COUNCILLORS

Portfolio:

Councillors

Subject:

Declaration of Conflict/Material Personal Interests

Report Author:

Wendy Saunders, Executive Services Coordinator

Authorised by:

Stephen Johnston, Chief Executive Officer

Link to Corporate Plan:

Our People, Our Business - 3.2 Responsible governance with a customer-driven focus
 - 3.2.3 Administer statutory compliant governance operations incorporating insurance; risk management; property management and Council policies and procedures.

Background:**Declaration of Material Personal Interest on any item of business**

Pursuant to Section 175C of the *Local Government Act 2009*, a Councillor who has a material personal interest in an issue to be considered at a meeting of the local government, or any of its committees must –

1. inform the meeting of the Councillor's material personal interest in the matter; and
2. leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.

Declaration of Conflict of Interest on any item of business

Pursuant to Section 175E of the *Local Government Act 2009*, a Councillor who has a real or perceived conflict of interest in a matter to be considered at a meeting of the local government, or any of its committees must inform the meeting about the Councillor's conflict of interest in the matter. If a Councillor does not voluntarily leave the meeting room after declaring a conflict of interest, the remaining Councillors must decide whether the Councillor has a real or perceived conflict of interest in the matter and if so, whether the Councillor must leave the meeting or can stay and participate.

Associated Person/Organization:

Nil

Consultation:

All Councillors

Chief Legal Officer's Comments:

This process is in accordance with the *Local Government Act 2009*.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted.

Yes

No

Attachments:

Nil

Recommendation:

**Item****19 November 2019****Item Number:**

F1

File Number:

.

Part:

FINANCE

Portfolio:

Organisational Services

Subject:

Financial Summary as at 1 November 2019

Report Author:

Anthony Keleher, Chief Financial Officer

Authorised by:

Amanda Pafumi, General Manager Organisational Services

Link to Corporate Plan:

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

Background:

In accordance with section 204 of the *Local Government Regulation 2012*, a Financial Report must be presented to Council on a monthly basis. The attached Financial Report contains the Financial Summary and associated commentary as at 1 November 2019.

Associated Person/Organization:

Nil

Consultation:

Financial Services Team

Chief Legal Officer's Comments:

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

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted.

Yes

No

Attachments:

[↓1](#) Financial Summary as at 1 November 2019

Recommendation:

That the Financial Summary as at 1 November 2019 be noted by the Council.

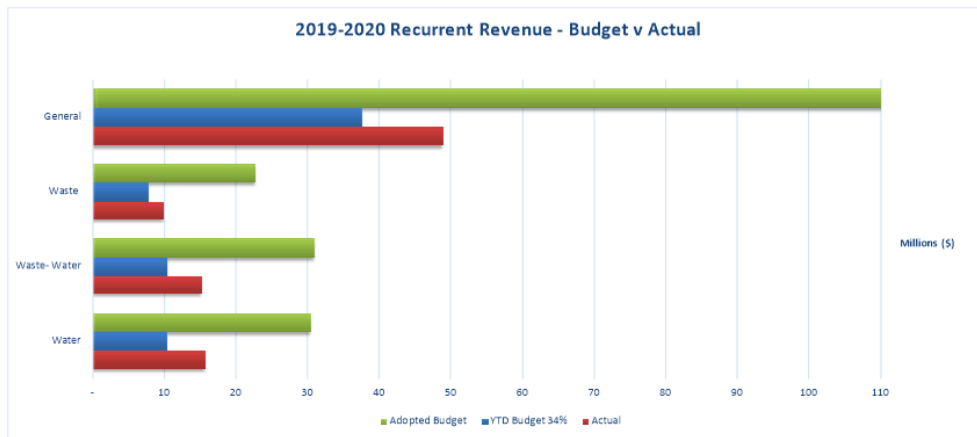
Financial Summary
as at 01 Nov 2019

Progress check - 34%	Council			General			Waste			Wastewater			Water		
	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act/ Bud
Recurrent Activities															
<i>Revenue</i>															
Rates and Utility Charges	80,492,847	159,069,780	51%	43,165,572	86,552,500	50%	7,649,151	15,243,500	50%	14,871,114	29,709,780	50%	14,817,010	27,564,000	54%
Less: Discounts and Pensioner Remissions	(4,501,714)	(8,708,900)	52%	(4,175,542)	(8,039,800)	52%	(111,280)	(227,600)	49%	(125,096)	(254,600)	49%	(89,796)	(186,900)	48%
	75,991,133	150,360,880	51%	38,980,030	78,512,700	50%	7,537,871	15,015,900	50%	14,746,018	29,455,180	50%	14,727,214	27,377,100	54%
Fees and Charges	9,355,625	28,430,039	33%	6,310,909	18,859,844	33%	2,192,708	6,985,405	31%	284,578	1,027,280	28%	567,430	1,577,510	36%
Interest Revenue	1,339,044	4,001,456	33%	519,515	1,478,500	35%	185,978	484,825	38%	170,836	555,631	31%	462,715	1,482,500	31%
Grants, Subsidies and Donations	3,255,773	12,191,642	27%	3,130,036	11,841,642	26%	75,206	350,000	21%	-	-	-	50,531	-	-
Sale of Developed Land Inventory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Recurrent Revenue	89,941,575	194,984,017	46%	48,940,490	110,692,686	44%	9,991,763	22,816,130	44%	15,201,432	31,038,091	49%	15,807,890	30,437,110	52%
<i>less Expenses</i>															
Employee Costs	24,625,102	74,519,161	33%	19,133,225	58,881,694	33%	2,135,678	5,910,550	36%	1,797,347	5,084,008	35%	1,558,852	4,842,911	32%
Materials and Services	22,356,965	68,168,424	33%	13,135,560	39,340,824	33%	4,149,618	12,078,531	34%	2,059,140	7,774,774	26%	3,012,647	8,974,495	34%
Finance Costs	1,373,091	4,423,000	31%	517,938	1,581,593	33%	286,402	905,479	32%	494,656	1,692,942	29%	74,095	242,986	30%
Depreciation	15,882,758	47,848,274	33%	11,508,550	34,525,649	33%	567,454	1,702,363	33%	1,925,144	5,775,432	33%	1,881,610	5,844,830	33%
Total Recurrent Expenditure	64,237,916	194,758,859	33%	44,295,273	134,129,560	33%	7,139,152	20,596,923	35%	6,276,287	20,327,154	31%	6,527,204	19,705,222	33%
Operating Surplus	25,703,659	225,158		4,645,217	(23,436,874)		2,852,611	2,219,207		8,925,145	10,710,937		9,280,686	10,731,888	
<i>less Transfers to</i>															
NCP Transfers	-	-	-	(5,170,040)	(15,510,118)	-	164,219	492,655	-	2,285,726	6,857,177	-	2,720,095	8,160,286	-
Total Transfers	-	-		(5,170,040)	(15,510,118)		164,219	492,655		2,285,726	6,857,177		2,720,095	8,160,286	
Movement in Unallocated Surplus	25,703,659	225,158		9,815,257	(7,926,756)		2,688,392	1,726,552		6,639,419	3,853,760		6,560,591	2,571,602	
Unallocated Surplus/(Deficit) brought forward	34,816,989	34,816,989		(16,837,177)	(16,837,177)		15,495,369	15,495,369		11,242,675	11,242,675		24,916,123	24,916,123	
Unallocated Surplus/(Deficit)	60,520,648	35,042,147		(7,021,920)	(24,763,933)		18,183,761	17,221,921		17,882,094	15,096,435		31,476,714	27,487,725	
Capital Activities															
<i>Council's Capital Expenditure (Excludes Donated Assets)</i>															
Council Expenditure on Non-Current Assets	19,793,697	111,807,842	18%	17,635,722	84,632,384	21%	863,519	5,428,206	16%	471,271	4,716,899	10%	823,185	17,030,353	5%
Loan Redemption	2,428,011	7,318,362	33%	1,430,807	4,321,833	33%	219,352	660,049	33%	672,010	2,018,214	33%	105,842	318,266	33%
Total Capital Expenditure	22,221,708	119,126,204	19%	19,066,529	88,954,217	21%	1,082,871	6,088,255	18%	1,143,281	6,735,113	17%	929,027	17,348,619	5%
Cash															
Opening balance	147,278,309	147,000,000													
Movement - increase/(decrease)	18,001,373	(43,032,101)													
Closing balance	165,279,682	103,967,899													

Further to the Financial Summary Report as at 1 November 2019, the following key features are highlighted.

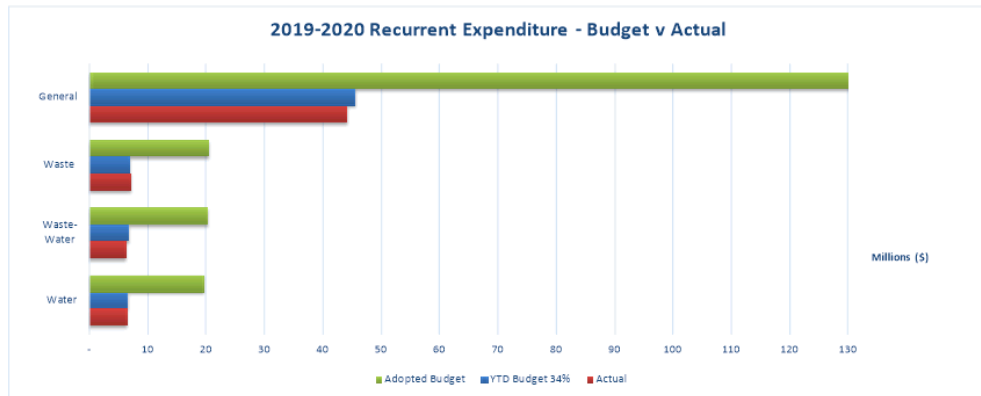
Recurrent Revenue

- Rates and Utility Charges for the first half year have been levied. Water consumption is higher than expected. Discount for prompt payment is higher than budget, which is consistent with the improved rate collection outcomes.
- Fees and charges are tracking on budget. Waste and Wastewater fees are currently being reviewed to determine if budgets require adjustment. Water charges are tracking higher than budget due to an increase in bulk water sales with the prolonged dry conditions.
- Interest Revenue is tracking on budget. Earnings across funds will vary with seasonal cashflow requirements. Councils investments are currently attracting very low rates, reflective of the current economic conditions.
- Grants, Subsidies and Donations are tracking below the year-to-date budget. This is expected and represented by the timing of payments such as the quarterly instalment of the Financial Assistance Grant, due in November.



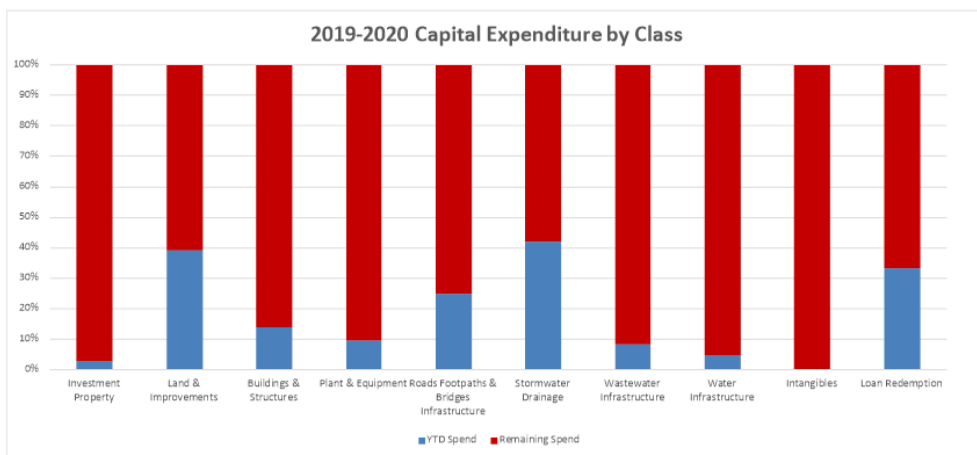
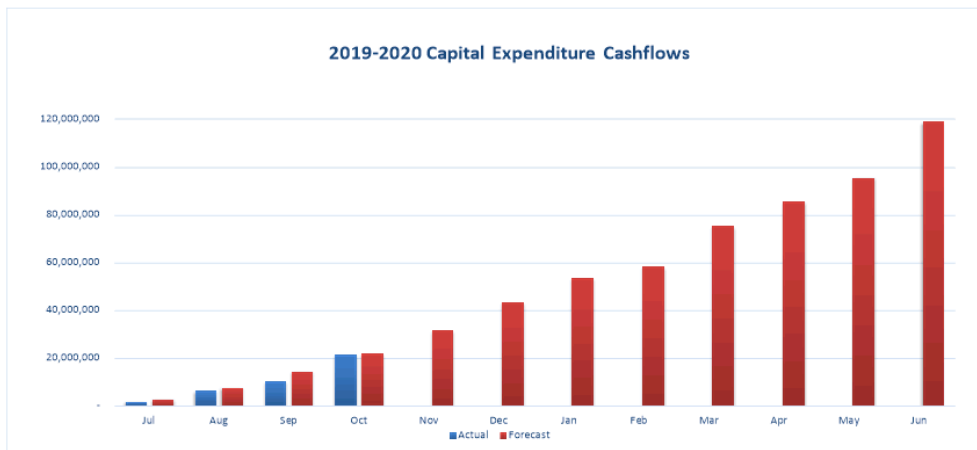
Recurrent Expenditure

- Employee Costs are tracking on budget. Some of the minor variances in the Waste and Wastewater funds are expected to decrease over the Christmas period when leave is taken.
- Materials and Services are tracking on budget. The variance in the Wastewater fund is due to the timing in delivery of non-capital projects.
- Finance Costs are tracking slightly less than the year-to-date budget. Finance costs include a provision for bad debts which may be realised later in the financial year.



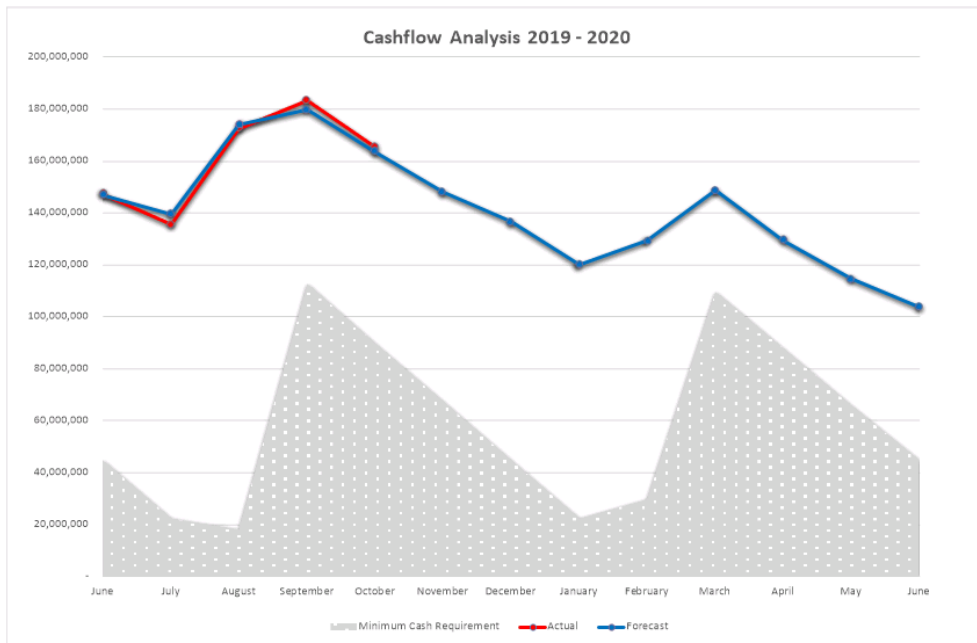
Capital Expenditure and Capital Grants

- Council has delivered 19% of this year's capital program at the reporting date in line with expectations.
- Significant projects currently underway include the Childers Swimming Pool, Verge Sealing Program, Bundaberg West Drainage Upgrade, Givelda Evacuation Route and St Agnes Bridge Rehabilitation Project.
- Capital grants are on track with all milestones having been met and any variations to funding agreements approved. It's expected Council will receive the final 10% of the Works for Queensland Round 2 funding in the coming months. The final Multiplex claim and the final Elliott Heads Foreshore claim have been paid by the State Government.



Cash

- The cash balance as at 1 November 2019 was \$165.3 million, a decrease of \$18 million from the last report at 1 October 2019, reflecting the outlay on operations and capital works during the month. This is in line with forecast cashflows.
- No short-term liquidity issues are foreseeable.
- The actual and forecast cash movement is shown below.

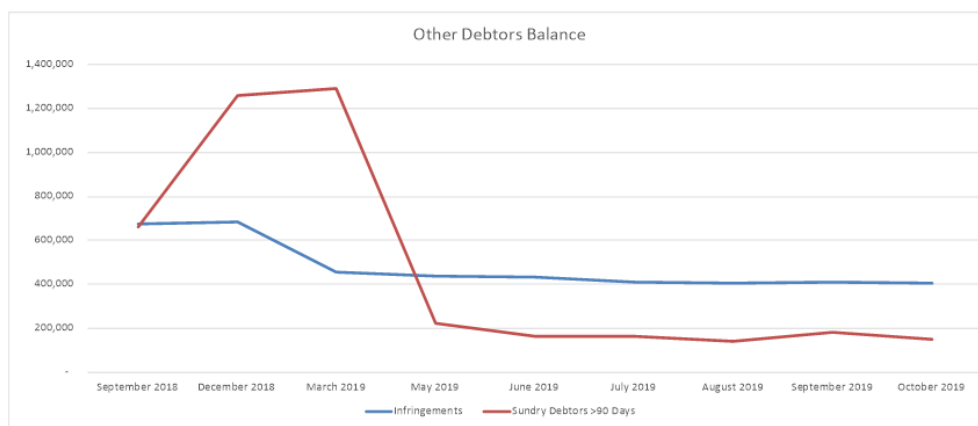


Rates Debtor

- Rates outstanding total \$6.4 million which is consistent with the rate debt outstanding this time last year. Council's debt recovery agent continues to work with property owners where suitable arrangements have not been made with Council.

Other Debtors

- Infringements outstanding total \$0.41 million with the number of infringements increasing slightly to 3,473. Infringements continue to be recovered via SPER.
- Sundry Debtors outstanding for more than 90 days total \$0.15 million across 58 accounts. The spike between September 2018 and March 2019 were grant claims associated with the Burnett Heads CBD project. These claims have now been paid.





Item

19 November 2019

Item Number:

G1

File Number:

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Part:

GOVERNANCE

Portfolio:

Organisational Services

Subject:

Delegation to Chief Executive Officer - Write-off Rates and Charges

Report Author:

Christine Large, Chief Legal Officer

Authorised by:

Amanda Pafumi, General Manager Organisational Services

Link to Corporate Plan:

Our People, Our Business - 3.2 Responsible governance with a customer-driven focus
 - 3.2.3 Administer statutory compliant governance operations incorporating insurance; risk management; property management and Council policies and procedures.

Background:

In accordance with section 257 of the *Local Government Act 2009* Council may, by resolution, delegate a power under this Act to the Chief Executive Officer.

The delegations register for the Chief Executive Officer must be reviewed annually by Council and it is at Council's discretion what powers it chooses to delegate. The register was updated recently, however an additional power has been identified to be added.

This delegation is to improve the efficiencies in administration by allowing the Chief Executive Officer to write-off small amounts of irrecoverable rates and charges owed to Council or water leak relief for events outside of Council's Water Leak Relief Policy. Previously these would be reported to Council for formal resolution. The amounts written off under this delegation are nominal and all other requests of substantial amounts will continue to be reported to Council.

- **Legislation:** section 9(1) of the *Local Government Act 2009*
- **Description:** Power to do anything that is necessary or convenient for the good rule and local government of its local government area.
- **Conditions to which the delegation is subject:**
 Rates and Charges – write-off:
 - a) irrecoverable rates debt owed to Council up to \$5,000 provided the following criteria is met:

- the write-off is likely to generate proportionate benefits to the local government area; **and**
 - all other appropriate mechanisms to recover the debt have been exhausted (i.e. debt collection, rate recovery policy); **and**
 - it is uneconomical to pursue recovery of the debt.
- b) water consumption relating to a water leak relief up to \$500 for events/particular occurrences outside of Council's Water Leak Relief Policy.

Associated Person/Organization:

Financial Services

King & Company Solicitors

Consultation:

Portfolio Spokesperson: Cr Steve Cooper and Cr Helen Blackburn

Chief Legal Officer's Comments:

There appear to be no legal implications.

Policy Implications:

Council's Water Leak Relief Policy provides mechanism for ratepayers to apply for water leak relief. This delegation is applied outside of this Policy for particular low level occurrences.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted.

Yes

No

Attachments:

Nil

Recommendation:

Pursuant to section 257 of the *Local Government Act 2009*, the *Register of Delegations – Bundaberg Regional Council to the Chief Executive Officer* be updated to include the following the power:

- ***Legislation:*** Section 9(1) of the Local Government Act 2009.
- ***Delegated Power:*** Power to do anything that is necessary or convenient for the good rule and local government of its local government area.
- ***Conditions to which the delegation is subject:***

Rates and Charges – write-off:

- a) irrecoverable rates debt owed to Council up to \$5,000 provided the following criteria is met:
 - the write-off is likely to generate proportionate benefits to the local government area; *and*
 - all other appropriate mechanisms to recover the debt have been exhausted (ie debt collection, rate recovery policy); *and*
 - it is uneconomical to pursue recovery of the debt.
- b) water consumption relating to a water leak relief up to \$500 for events/particular occurrences outside of Council's Water Leak Relief Policy.

**Item****19 November 2019****Item Number:**

K1

File Number:

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Part:

PLANNING

Portfolio:

Planning & Development Services

Subject:

Consideration of Submissions to Planning Scheme Amendment No 5 (Major Amendment) and Amendment No 6 (Qualified State Interest – Mon Repos/ Sea Turtle Amendment)

Report Author:

Evan Fritz, Manager Strategic Planning

Authorised by:

Stephen Johnston, Chief Executive Officer

Link to Corporate Plan:

Our Environment - 2.1 Infrastructure that meets our current and future needs - 2.1.1 Develop, implement and administer strategies and plans underpinned by the principles of sustainable development.

Background:

Council is currently progressing two major amendments to the Bundaberg Regional Council Planning Scheme 2015.

Council resolved to make Amendment No 5 (Major Amendment) at its meeting held 21 August 2018. This amendment proposes ongoing improvements to the operation and efficiency of the planning scheme, and other changes to guide future growth and development in the Bundaberg Region. This amendment includes –

- minor changes to codes and levels of assessment to reflect desired intent and community expectations, including for Secondary dwellings and Dual Occupancy development;
- zoning changes to recognise current land use, future development intent and correct errors;
- local planning for the Burnett Heads town centre, the Kalkie-Ashfield local development area, and part of Bargara (between Hughes and Seaview Roads);
- changes to address State interests, including regulated requirements and the Bundaberg State Development Area;
- changes to overlays, and the inclusion of additional local heritage places;
- other changes to improve the operation and efficiency of the planning scheme.

Council resolved to make Amendment No 6 at its meeting held 23 July 2019. This amendment proposes to provide a greater level of protection for the Mon Repos Conservation Park and sea turtles from the effects of urban development. The amendment provides a longer-term policy response to the ministerial direction notice given to Council on 19 February 2017, and the interim controls put in place through Temporary Local Planning Instrument 1/2018 (Protection of the Mon Repos Turtle Conservation Area). Key changes proposed under this amendment include –

- a Sea turtle sensitive area overlay code to ensure assessable development in coastal areas avoids adverse impacts on sea turtles, including impacts from artificial lighting;
- zoning changes to include land at Shelley Street, Burnett Heads (currently included in the Emerging community zone) in the Rural residential zone – Precinct RRZ1 (2,000 m² minimum lot size area);
- changes to other parts of the planning scheme, including the Advertising devices code and Nuisance code.

Following approval from the Planning Minister in August 2019, both amendment packages were placed on public consultation from 16 September to 21 October 2019. Key activities undertaken as part of public consultation include:

- a notice was placed in the Bundaberg NewsMail of 14 September 2019;
- the amendments and supporting information were made available on Council's website and Council offices;
- letters were sent to affected landowners;
- information sessions were held with the Burnett Heads Progress and Sports Association and Bargara Progress Association; and
- numerous phone, email and counter enquiries.

A total of 55 submissions were received, including six submissions relating to both amendments. A consultation report has been prepared for each amendment, and these are attached to this report. These consultation reports include a summary of the submissions made to Council about each planning scheme amendment, and the recommended/proposed response to the matters raised.

Twenty-eight submissions were received in relation to Amendment No 6 (Qualified State Interest – Mon Repos/Sea Turtle Amendment). One of these submissions included a petition with 46 signatures (12 of these signatories also made a separate submission). No changes are proposed in response to the submissions made and issues raised about Amendment No 6.

Thirty-four submissions were received regarding Amendment No 5 (Major Amendment). Key issues raised in submissions include:

- Bundaberg State Development Area (SDA) and Special Purpose Zone
- Burnett Heads Local Centre and Marina/ Boat Harbour
- Kalkie-Ashfield Local Plan
- Local Heritage
- Secondary Dwellings and Dual Occupancy
- Building Height

- Other Zoning Changes; and
- Other Matters

Recommended responses and proposed changes to address issues raised in these submissions are included at Attachment 3.

In addition to the identified changes in response to submissions, Attachment 3 also includes details of other recommended changes to the proposed amendments of an administrative or minor nature, to amend drafting errors, as identified by Council officers.

The proposed changes are not considered to result in the proposed planning scheme amendment being significantly different to the version released for public consultation.

It is recommended that Council respond to the submissions as outlined in the attached consultation reports, and that the proposed planning scheme amendments, incorporating changes made in response to submissions, be submitted to the State Government for approval to adopt, in accordance with the *Planning Act 2016* and the Minister's Guidelines and Rules.

Associated Person/Organization:

Minister for State Development, Manufacturing, Infrastructure and Planning (Hon Cameron Dick MP) and the Department of State Development, Manufacturing, Infrastructure and Planning.

Consultation:

Public notification on the proposed amendments was undertaken in accordance with requirements of the *Planning Act 2016*, the Minister's Guidelines and Rules (MGR) and the communications strategies approved by the Planning Minister. The proposed amendments were placed on public display for 25 business days from 16 September to 21 October 2019.

Chief Legal Officer's Comments:

There appear to be no legal implications. While the *Planning Act 2016* 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), the current recommendation to send the proposed planning scheme amendments to the Minister for approval to adopt, does not in itself present any legal implications.

Policy Implications:

The current report proposes amendments to the Bundaberg Regional Council Planning Scheme 2015, and the following Planning Scheme Policies –

- SC6.2 Planning Scheme Policy for the Heritage and Neighbourhood Character Overlay;
- SC6.5 Planning Scheme Policy for information Council may request, and preparing well made applications and technical report.

Amendment No 5 (Major Amendment) includes changes to the Central Coastal Urban Growth Area Local Plan Code, which will allow Council to rescind the existing Planning Scheme Policy for the Hughes and Seaview Bargara Masterplan area.

Financial and Resource Implications:

Council's budget includes appropriate allocation of resources to finalise the proposed planning scheme amendments.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted. A Communication Strategy is:

- Not required
- Required

Attachments:

- ↓1 Consultation Report - Amendment No 5 (Major Amendment)
- ↓2 Consultation Report - Amendment No 6 (Mon Repos/Sea Turtle Admendment)
- ↓3 Changes to Planning Scheme Amendments
- ↓4 Summary of Submissions
- ↓5 Copy of Submissions

Recommendation:

That pursuant to the *Planning Act 2016* and the Minister's Guidelines and Rules – Council:

- (a) respond to properly made submissions to the proposed planning scheme amendments as detailed in the attached consultation reports, and provide a response and copy of the relevant consultation report/s to each person who made a properly made submission;**
- (b) proceed with the proposed planning scheme amendments, being Amendment No 5 (Major Amendment) and Amendment No 6 (Mon Repos/ Sea Turtle Amendment) and with changes detailed in Attachment 3 appended to the agenda item;**
- (c) considers that the changes detailed in Attachment 3, including changes to address matters raised in submissions, are minor and do not result in the planning scheme amendment being significantly different to the version released for public consultation; and**
- (d) write to the Planning Minister, and to the Department of State Development, Manufacturing, Infrastructure and Planning, seeking approval to adopt the proposed planning scheme amendments.**



Live, work, play, invest

Building a better future

Bundaberg Regional Council Planning Scheme 2015
Amendment No. 5 – Major Amendment

Consultation Report: Major Amendment



Total number of submissions: 34

Key Issues:

1. Bundaberg State Development Area (SDA) and Special Purpose Zone
2. Burnett Heads Local Centre and Marina/ Boat Harbour
3. Kalkie-Ashfield Local Plan
4. Local Heritage
5. Secondary Dwellings and Dual Occupancy
6. Building Height
7. Other Zoning Changes
8. Other Matters

Summary of Proposed Amendment

At its meeting held 21 August 2018, Council resolved to make a major amendment to the Bundaberg Regional Council Planning Scheme and supporting Planning Scheme Policies. This amendment proposes ongoing improvements to the operation and efficiency of the planning scheme, and other changes to guide future growth and development in the Bundaberg Region.

This amendment includes:

- minor changes to codes and levels of assessment to reflect desired intent and community expectations, including for Secondary dwellings and Dual occupancy development;
- zoning changes to recognise current land use, future development intent and correct errors;

- local planning for the Burnett Heads town centre, the Kalkie-Ashfield local development area, and part of Bargara (between Hughes and Seaview Roads);
- changes to address State interests, including regulated requirements and the Bundaberg State Development Area;
- changes to overlays, and the inclusion of additional local heritage places;
- other changes to improve the operation and efficiency of the planning scheme.

Overview of Public Consultation

The proposed amendment was placed on public consultation for 25 business days, from 16 September to 21 October 2019. Consultation was undertaken in accordance with the Communications Strategy prepared by Council and approved by the Planning Minister. The following activities were undertaken as part of the public consultation program:

- a public notice was published in the Bundaberg News-Mail on 14 September 2019;
- written notice about the proposed amendments were sent to landowners affected by a zoning change or proposed local heritage place;
- an email alert was sent to the local development industry on 16 September;
- the proposed amendment, copy of the public notice, factsheet, submission form and other supporting information were made available at Council offices and through the 'Have Your Say' section on Council's website;

- information sessions with the Burnett Heads Progress and Sports Association, the Bargarra Progress Association, and in Bundaberg – details on these sessions and the proposed amendments were provided through progress association newsletters and social media;
- media releases and articles on Council's Bundaberg Now website, and social media posts;
- various phone, email and counter enquiries.

Summary and Consideration of Issues Raised

1. Bundaberg State Development Area (SDA) and Special Purpose Zone

Issues Raised in Submissions

- 12 submissions total;
- 7 submissions objecting to the proposal to include land located in the Bundaberg SDA in the Special Purpose zone, for the following reasons –
 - will reduce property values and ability to sell, and affect rates and insurance;
 - is premature given there is ample vacant land at the Port – land should remain in the Rural or Rural Residential zoning until development occurs;
 - will require additional approvals from the SDA before being considered by Council, including to build a house;
 - concerns and uncertainty around future of the SDA and infrastructure/ transport corridor, whether to build a house, and land acquisition by the State, etc.;
- 2 submissions outlining support or no objection to the proposed zoning;
- Support for greater recognition of the SDA, including through the Strategic Framework;
- Suggested minor changes or corrections to zonings to align with latest Strategic Port Land;
- Suggested refinements to the Strategic framework, Special purpose zone code and associated Assessment table to clarify intent, including the effect of the Special purpose zone on Strategic Port Land;
- Existing and proposed gas pipelines to and/or near the Port of Bundaberg should be identified;
- Future development in the SDA should have the same lighting controls as the rest of the

coastal area, and should take into account the need to protect migratory wading bird habitat.

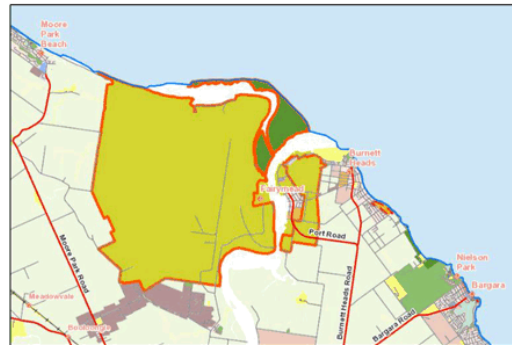


Figure 1 Proposed Special Purpose zone - Bundaberg SDA and Strategic Port Land

Council Consideration and Decision

1. That Council proceed with the proposed Special purpose zoning for land in the Bundaberg SDA Development Scheme and for Strategic Port Land, for the following reasons:
 - The Coordinator-General is currently responsible for assessing and deciding development for material change of use on land regulated by the SDA Development Scheme – this has been the case since the development scheme came into effect in December 2017. The proposed Special purpose zoning does not affect this, or require additional approvals. The [‘Response to landholders frequently asked questions’](#) document released by the State Government provides further information about the effect of State development areas.
 - The Special purpose zone serves to clearly identify the different planning controls for land in the Bundaberg SDA compared to other land in the Bundaberg Region that may be used for a rural or rural residential purpose.
 - The proposed Special purpose zoning is a consistent approach to how other local government planning schemes have addressed State Development Areas.
 - Any impact in property value, ability to resell, or on rates or property insurance should be limited given the zoning change only serves to recognise and reflect the Bundaberg SDA which was declared by the State in February 2017.

2. That minor changes or corrections be made to the proposed amendment to address the following issues raised in submissions –
 - the extent of the Special Purpose zone be reviewed to align with the latest Strategic Port Land; and
 - minor changes to wording in various parts of the planning scheme amendment to clarify intent, including the effect of the Special purpose zone on Strategic Port Land.
3. That no changes be made to address other issues raised in submissions, specifically –
 - it is not considered necessary to highlight the gas pipeline in the Coastal Area local plan – the gas pipeline to the Port is already proposed to be included in the Infrastructure overlay and was highlighted in the Kalkie-Ashfield local plan due to its alignment through the local plan area; and
 - The Bundaberg SDA Development Scheme includes requirements for development to address potential impacts on sea turtles and the environment – Council is not able to amend the SDA Development Scheme.

2. Burnett Heads Local Centre and Marina/ Boat Harbour

Issues Raised in Submissions

- 9 submissions total;
- 7 submissions outlined support for the amendment;
- 2 submissions raised concern with building height, with suggestions that –
 - building height in the Local Centre zone should be reduced to 3 storeys, with concerns that 5 storeys in the town centre may set a precedent to allow 5 storeys at the marina;
 - building height on the Marina/ Boat Harbour development site should be limited to 5 storeys, with another suggesting 3 storeys, to reduce light glow;
- Marina/ Boat Harbour land to the east of Moss Street should be reserved for boating purposes, conservation and parkland, not for residential development, due to storm tide concerns;
- Minor changes should be made to the Local centre zone code to clarify requirements for front setbacks and awnings over the footpath,

and to ensure Figure 6.2.7A does not apply to land not included in the Local centre zone.

Council Consideration and Decision

4. That minor changes or corrections be made to the proposed amendment to the Local centre zone code to clarify requirements for front setbacks and awnings over the footpath, and to ensure Figure 6.2.7A does not apply to land not included in the Local centre zone.
5. That no changes be made to address other issues raised in submissions, specifically –
 - The proposed building heights are generally consistent with those previously identified through local planning undertaken by Council for the Burnett Heads town centre, which included streetscape and infrastructure (reticulated sewerage) improvements to support development within the local centre.
 - The development intent for the Burnett Heads Marina/ Boat Harbour is generally consistent with local planning previously undertaken by Council for Burnett Heads, except that the current amendment does not propose changes to building height for the marina development site. Constraints such as storm tide will need to be addressed as part of any proposed development. The amendment, and previous local planning seeks to ensure that any proposed development on the Burnett Heads Marina/ Boat Harbour site appropriately integrates with the existing town centre and urban area of Burnett Heads.



Figure 2 Burnett Heads town centre building heights and setbacks (proposed Figure 6.2.7A)

3. Kalkie-Ashfield Local Plan

Issues Raised in Submissions

- 4 submissions total;
- 3 submissions outline support for the proposed amendment to extend the Emerging community zone and local plan to Kirbys Road – this support is generally specific to the proposed 'Large Lot Residential (Rural Residential) 4000m² minimum lot size area' designation along the southern side of Kirbys Road;
- 1 submission objecting to the amendment, as this land should be preserved for agriculture and rural use;
- 1 submission suggesting refinements to accurately show the alignment and extent of waterways and flood hazard.



Figure 3 Proposed amendment to the Kalkie-Ashfield Local Plan

Council Consideration and Decision

6. That Council proceed with the proposed amendment, and does not agree that the subject land should be preserved for agriculture and rural use, for the following reasons –
 - the land is included in the Urban Footprint in the Wide Bay Burnett Regional Plan;
 - the land is capable of being serviced by, and will support Council's investment in the Rubyanna wastewater treatment plant;
 - the amendment to the local plan provides for limited rural residential development along the southern side of Kirbys Road, which will also serve as a buffer between urban development to the south, and rural land to the north of Kirbys Road;
 - the amendment to the local plan ensures that development does not prejudice future urban growth of the city of Bundaberg.

7. That minor changes be made to the Local Area Plan to reflect any amended waterway alignment, if State Planning Policy mapping is amended before finalising the amendment for State review and approval.

4. Local Heritage

Issues Raised in Submissions

- 8 submissions total;
- 1 submission supporting the inclusion of Allen Brothers Slab Hut as a local heritage place;
- 1 submission outlining support for additional local heritage places generally and Baldwin Swamp specifically;
- Submission from the owner of Bundaberg Walkers (Foundry) objecting to its inclusion as local heritage place, given concerns over the impact on on-going and future use;
- Submission from owner of part of Gin Gin Station (SP282815/27) objecting to inclusion of this lot as a local heritage place given the Gin Gin Homestead is located on the adjacent lot (SP282815/28);
- 1 submission supporting the inclusion of Gin Gin Homestead as a local heritage place, but objecting to inclusion of their lot as an 'adjoining property' given the distance to the homestead (given the large rural lots);
- Submission from the owner of Isis Central Sugar Mill raising concerns over its proposed local heritage listing given the inconsistency and inequity with other active sugar mills not being included;
- Concerns with development impacting on local heritage places, including impacts on Baldwin Swamp from stormwater and development in Kepnock and Kalkie-Ashfield, and exemptions for work or development undertaken by Council;
- The proposal to trigger assessment for development on land adjoining a local heritage place will introduce unnecessary applications and cost for dwelling houses – Council should instead provide greater certainty by including requirements for accepted development;
- Suggested review of land 'adjoining' a local heritage place to exclude properties where development on the land is unlikely to be influenced by or impact on the cultural heritage significance of the place.

Council Consideration and Decision

8. That Council, having regard to the concerns and/or objections raised from affected landowners –
 - not proceed with the local heritage listing of Bundaberg Walkers (Foundry) and the Isis Central Sugar Mill;
 - change the local heritage listing for Gin Gin Homestead to exclude Lot 27 on SP282815 as a heritage place, but include this lot as a property adjoining a local heritage place – this change recognises that the homestead and other key elements contributing to the significance of this place are located on Lot 28, but are within close proximity to the boundary of Lot 27.
9. That Council proceed with the other proposed local heritage places, but review land identified as adjoining a local heritage place to exclude properties where development of the land is unlikely to be influenced by or impact on the cultural heritage significance of the place. This includes land adjoining Gin Gin Homestead and Baldwin Swamp, given that the rural or open space surrounds of these heritage places provide sufficient separation to adjoining properties.
10. That Council not proceed with the proposed amendment to the Tables of Assessment for the Heritage and neighbourhood character overlay, for properties adjoining a heritage place, given the concerns raised in submissions. Further, a review of acceptable development on places adjoining existing and proposed local heritage places did not identify any development likely to have a significant impact on the cultural heritage values of these local heritage places.

5. Secondary Dwellings and Dual Occupancy

Issues Raised in Submissions

- 2 submissions outlined concerns with the proposal to reduce the maximum GFA of a secondary dwelling from 80m² to 60m², raising concerns that this will impact disability access, aging in place, housing choice and affordability;
- Concerns with requirement for secondary dwellings to be interconnected to the main dwelling, including potential conflict with fire separation requirements under the Building Code of Australia;

- Changes to Low density residential zone code could be seen as weakening support for Dual occupancy development;
- Suggested minor wording changes and corrections to clarify intent.

Council Consideration and Decision

11. Council proceed with the proposed amendments, and only minor wording changes and corrections be made in response to submissions, to clarify intent. This includes minor wording changes to clarify the intent for secondary dwellings to be inter-connected to the main dwelling to remove any perceived conflict with building requirements. No other changes are proposed in response to submissions, for the following reasons -
 - While Council acknowledges concerns with the additional floor area required to provide disability access, Council believes that the maximum GFA of 60m² for a secondary dwelling is generally sufficient for this form of development, particularly noting that this area excludes garages and outdoor living areas – larger secondary dwellings may be approved but would be subject to assessment;
 - Council's planning scheme, with the proposed amendment, still facilitates and provides strong support for secondary dwellings and Dual occupancy development, while ensuring these forms of development also meet community expectations.

6. Building Height

Issues Raised in Submissions

In addition to specific issues with building height at Burnett Heads (addressed at Key Issue 2 above), individual submissions raised the following concerns relating to building height:

- 'maximum' building height should mean just that;
- 'exemplary development' should be defined;
- the Hughes-Seaview Bargara Local Plan area should include building height restrictions, and
- building height in the Kepnock District Activity Centre should be reduced from 3 storeys to 2 storeys.

Council Consideration and Council Decision

12. That no changes be made to the proposed amendment in response to the issues raised, for the following reasons:
- these submissions raise issues that fall outside of the scope of the proposed amendment and would need to be addressed as part of a separate or future amendment; and
 - any changes to the current amendment to address these issues would likely result in the amendment being significantly different to the version released for public consultation.

7. Other Zoning Changes

Issues Raised in Submissions

- 2 submissions in support of proposal to change split zoning of 2 lots at Rosewood Place, Bundaberg North, from Limited Residential precinct to Low Density Residential zone;
- Submission requesting change of zoning of land at 10 Kendalls Road, Avoca (SP291180/80) (Jayco) from Low density residential zone to Specialised centre zone;
- Submission requesting change of zoning of eastern half of land along the southern side of Rowlands Road, Burnett Heads (SP234427/20) from Rural zone to Emerging community zone (the western half is in the Bundaberg SDA and is proposed to be included in the Special purpose zone).

Council Consideration and Decision

13. Council proceed with proposed zoning changes at Rosewood Place, Bundaberg North.
14. That no changes be made to the proposed amendment in response to the requested zoning changes for land at Kendalls Road, Avoca (SP291180/80) and Rowlands Road, Burnett Heads (SP234427/20), for the following reasons –
- the requested zoning changes fall outside of the scope of the proposed amendment and would need to be addressed as part of a separate or future amendment; and
 - any changes to the current amendment to include the requested zoning changes would likely result in the amendment being

significantly different to the version released for public consultation.

8. Other Matters

Issues Raised in Submissions

- Council's Planning Scheme Policies should allow Council to demand correction of incorrect technical reports, such as stormwater drainage or flooding reports;
- Council must ensure the Council offices and Cultural Centre at Bargara are kept available for use by the community;
- Concerns with backpacker accommodation in the Medium Density Residential zone at Kepnock; and
- Suggested changes to the proposed amendment of an administrative or minor nature, including to correct drafting errors and update mapping to reflect the latest cadastre.

Council Consideration and Decision

15. That changes of an administrative or minor nature be made to the amendment, including to correct drafting errors and update mapping to reflect the latest cadastre.
16. That no changes be made to the proposed amendment in response to the other issues raised, for the following reasons:
- these submissions raise concerns that the planning scheme cannot address, or which are more appropriately addressed through other means issues, or raise concerns that fall outside of the scope of the proposed amendment and would need to be addressed as part of a separate or future amendment;
 - any changes to the current amendment to address these issues would likely result in the amendment being significantly different to the version released for public consultation.

Council Decision

That Council proceed with the proposed Planning Scheme Amendment No. 5 (Major Amendment) and that changes be made to the proposed amendment in response to submissions, as outlined in the above consultation report (Items 1 to 16 under the headings 'Council Consideration and Decision').



Live, work, play, invest

Building a better future

Bundaberg Regional Council Planning Scheme 2015
Amendment No. 6 – Qualified State Interest Amendment

Consultation Report: Mon Repos / Sea Turtle Amendment



Total number of submissions: 28

Overview of submissions:

- 14 submissions objected to the proposed amendment and opposed any further subdivision of land at Shelley Street – most of these believed that the controls in TLPI 1/2018 should remain in place;
- 6 submissions outlined support for the proposed amendment;
- The balance of submissions raised concerns that the proposed amendment may not provide sufficient protection to sea turtles and/or suggested additional or alternative controls.

Key concerns raised:

- The proposed amendment will provide for up to 100 dwellings, with additional lighting, traffic, domestic pets, noise and on-site sewerage systems which will impact sea turtles and other wildlife, water quality, views, property values and the character and amenity of the area generally.
- Impacts on sea turtles will affect tourism (including the new turtle centre), local business and the region's economy.

Background

The Bundaberg coastline hosts the largest concentration of nesting marine turtles on the east coast of Australia and is home to 50% of endangered Loggerhead turtle breeding activity in the South Pacific Ocean.

Scientific evidence indicates that artificial light sources have a negative impact on adult turtle nesting site selection and hatchling ocean-finding behaviour by preventing turtles from navigating to and from the ocean.

Protecting sea turtles is also vital for maintaining tourism as an important component of the Bundaberg region's economy. The Mon Repos Turtle Centre not only attracts significant visitor numbers, but is an important facility for education and research for sea turtle conservation.

Summary of Proposed Amendment

Council has prepared an amendment to the *Bundaberg Regional Council Planning Scheme 2015* which seeks to provide a greater level of protection for the Mon Repos Conservation Park and sea turtles from the effects of urban development. The amendment includes –

- a new Sea turtle sensitive area overlay code to ensure assessable development in coastal areas avoids adverse impacts on sea turtles, including impacts from artificial lighting;
- zoning changes to include land at Shelley Street, Burnett Heads (currently in the Emerging community zone) in the Rural residential zone, Precinct RRZ1 (2000m² minimum lot size area) – this land is detailed in Table 1 and shown in Figure 1 below;
- changes to the Advertising devices code, Nuisance code and other parts of the planning scheme.

The amendment responds to a Ministerial direction notice given to Council on 19 February 2017, and will replace interim controls that were put in place by Council through *Temporary Local Planning Instrument 1/2018 (Protection of the Mon Repos Turtle Conservation Area)*.

The amendment incorporates the Sea Turtle Sensitive Area Model Code released by the State Government in May 2019, and input from a technical working group established by the State.

Residential address	Lot description
68 Shelley Street, Burnett Heads	Lot 1 on SP305680
70 Shelley Street, Burnett Heads	Lot 2 on SP305680
72 Shelley Street, Burnett Heads	Lot 3 on SP305680
74 Shelley Street, Burnett Heads	Lot 4 on SP305680
2 Hampton Ct, Burnett Heads	Lot 11 on SP305680
4 Hampton Ct, Burnett Heads	Lot 12 on SP305680
9 Hampton Ct, Burnett Heads	Lot 10 on SP305680
7 Hampton Ct, Burnett Heads	Lot 7 on SP305680
1 Hampton Ct, Burnett Heads	Lot 8 on SP305680
3 Hampton Ct, Burnett Heads	Lot 9 on SP305680
1 Dryden Street, Burnett Heads	Lot 56 on SP309852
82-90 Shelley Street, Burnett Heads	Lot 2 on RP894579
92 Shelley Street, Burnett Heads	Lot 3 on RP894579
102-110 Shelley Street, Burnett Heads	Lot 4 on RP894579
112 Shelley Street, Burnett Heads	Lot 1 on SP279747
116 Shelley Street, Burnett Heads	Lot 100 on SP279747
124-132 Shelley Street, Burnett Heads	Lot 6 on RP7212
134-142 Shelley Street, Burnett Heads	Lot 7 on RP7212
144-152 Shelley Street, Burnett Heads	Lot 8 on RP7212
154-162 Shelley Street, Burnett Heads	Lot 9 on RP7212
164-172 Shelley Street, Burnett Heads	Lot 10 on RP7212
174 Shelley Street, Burnett Heads	Lot 11 on RP7212

Table 1 - Land Affected by Proposed Zoning Change

Overview of Public Consultation

The proposed amendment was placed on public consultation for 25 business days, from 16 September to 21 October 2019¹. Consultation was undertaken in accordance with the Communications Strategy prepared by Council and approved by the Planning Minister. The following activities were undertaken as part of the public consultation program:

- a public notice was published in the Bundaberg News-Mail on 14 September 2019;

- written notice about the proposed amendments were sent to landowners affected by a zoning change, and to nearby landowners;
- an email alert was sent to the local development industry on 16 September;
- the proposed amendment, copy of the public notice, factsheet, submission form and other supporting information were made available at Council offices and through the 'Have Your Say' section on Council's website;
- information sessions with the Burnett Heads Progress and Sports Association, the Bargara Progress Association, and in Bundaberg – details on these sessions and the proposed amendments were provided through progress association newsletters and social media;
- media releases and articles on Council's Bundaberg Now website, and social media posts;
- various phone, email and counter enquiries.

Summary of Issues Raised in Submissions

Submissions objecting to proposed zoning and any further subdivision of land at Shelley Street

14 submissions objected to the proposed zoning changes to include land at Shelley Street, Burnett Heads in the Rural residential zone, Precinct RRZ1 (2000m² minimum lot size area).

Most of these submissions also believed that the controls put in place through TLPI 1/2018 should remain in place, i.e. Limited Development zone, Precinct LDZ2 (Mon Repos Turtle Conservation Area) – no further subdivision and lighting controls for dwellings.

These submissions raise concern that the amendment will allow for subdivision into minimum 2000m² lots, which will result in up to 100 extra dwellings.

Concerns and reasons raised in these submissions include –

- this development is not in the interests of protecting sea turtles and the Mon Repos Conservation Park;

¹ The *Planning Act 2016* specifies a minimum consultation period of 20 business days for a Qualified state interest amendment.

- lighting from street lights and dwellings will impact sea turtles and nesting beaches;
- development will impact on other wildlife, including kangaroos, echidnas and birdlife;
- domestic pets will impact turtles and other native wildlife;
- development will impact on groundwater and water quality, particularly from on-site sewerage systems;
- increased traffic and noise, and dust and noise during construction, will affect the amenity of the area and will affect sea turtles;
- development will impact on views, and on the amenity and character of the area generally;
- the amendment and ensuing development will affect (reduce) property values.



Figure 1 - Land Affected by Proposed Zoning Change

Submissions in support of proposed amendment

6 submissions outlined support either for the overall amendment, or to the proposed zoning change to include land at Shelley Street in the Rural residential zone, Precinct RRZ1 (2000m² minimum lot size area). The primary reason provided in support of the proposed amendments was that the amendment provided an appropriate balance, providing protection of the Mon Repos Conservation Park and sea turtles, while allowing for limited development.

Other submissions raising concerns or suggesting alternative controls

The balance of submissions raised concerns that the proposed amendment may not provide sufficient protection to sea turtles and/or suggested

additional or alternative controls. While objections to the amendment suggested controls as per TLPI 1/2018 (no further subdivision and lighting controls for dwellings), other submissions suggested alternative measures, including –

Land at Shelley Street

- reduce the number of lots/dwellings, by increasing the minimum lot size – suggestions included 3000m², 4000m², 5000m² and 1ha;
- limit subdivision to one oceanfront lot (e.g. 4500m²), with smaller 2000m² or 3000m² lots on the balance – the larger oceanfront lot would provide a buffer;
- increase minimum lot size to 5000m² and include lighting controls for dwelling houses;
- additional controls should be included for on-site sewerage treatment to avoid impacts on water quality and the environment;
- ensure roads and drainage is required to be upgraded/ improved as part of development;
- limit or completely remove the need for street lighting as part of development in this area.

General

- the amendment does not address increased light glow from buildings above 2 storeys – building height in the sea turtle sensitive area should be limited, preferably to 3 storeys;
- the amendment should include controls for street lighting and domestic lighting for dwellings in the coastal area;
- Council should undertake monitoring and enforcement of lighting and conditions to ensure development does not affect turtle nesting numbers, and to avoid impacts similar to that experienced following rapid development at Kelly's Beach.

Submissions seeking clarification of outcomes in the Sea turtle sensitive area overlay code

Other submissions recommended clarification of particular outcomes or requirements in the Sea turtle sensitive area overlay code, including –

- an acceptable outcome (AO) nominating a brightness/ luminance level for outdoor lighting should be included to provide guidance for achieving performance outcome PO2;
- clarify whether acceptable outcomes for external fixed louvres (AO4.2) apply to all windows, or just those facing the coast, and clarify meaning of 'coast' referred to in AO4.1

(for tinting of windows and glass doors visible from the coast);

- clarify the requirements for landscape buffers required under AO5, including when and where a buffer will be required, and how wide the buffer should be, e.g. a buffer width of 5 metres is considered appropriate, and should only apply to lots directly adjoining the coast, and consideration should be given to landscaping in the public land/ road reserve between the coast and the subject land to achieve this outcome.

Consideration of Issues Raised in Submissions

Submissions outlining support for the proposed amendment are noted. Submissions objecting to the proposed amendment, or outlining other concerns and issues, are considered below.

Submissions objecting to proposed zoning and any further subdivision of land at Shelley Street

- Council considers that the proposed amendment will allow for low-scale rural residential subdivision on land at Shelley Street, Burnett Heads, with suitable controls that will limit potential impacts on sea turtles and nesting beaches.
- Any additional lighting from development in Shelley Street would be limited given the low-scale and density of development allowed. It is also noted that Council's existing Planning Scheme Policy for Development Works allows for reduced street lighting in rural residential areas, and identifies additional requirements for dark-sky compliant street lighting in Sea turtle sensitive areas.
- The Planning Scheme includes suitable provisions to ensure that potential impacts on roads, stormwater drainage and water quality are suitably addressed as part of any development.
- Any noise or other amenity impacts from the development of land in Shelley Street will be limited, given the density of development will be lower than that in the adjacent urban area of Burnett Heads.
- While development of the subject land in Shelley Street may impact on existing views, property owners do not generally have a legal right to a view.
- The proposed amendment is not expected have any additional impact on property values of existing residential properties in Burnett Heads,

noting that the land at Shelley Street is currently identified for residential development under the Bundaberg Regional Council Planning Scheme.

Other submissions raising concerns or suggesting alternative controls

- The proposed Sea Turtle Sensitive Area Overlay Code is considered to provide sufficient guidance, while also allowing an applicant to demonstrate compliance with the nominated performance outcomes through a site-specific solution.
- Comments raised in relation to enforcement of development conditions are noted.
- Given the resources required and the difficulty in policing lighting associated with dwelling houses, it is considered that education and awareness programs such as 'Cut the Glow' are more effective in addressing lighting associated with dwelling houses.
- While the proposed zoning will provide for subdivision of minimum 2000m² rural residential lots, a developer may propose larger lots sizes or other measures to respond to the requirements of the Planning Scheme and/or site conditions.

Submissions seeking clarification of outcomes in the Sea turtle sensitive area overlay code

- The proposed Sea Turtle Sensitive Area Overlay Code is considered to provide sufficient guidance, while also allowing an applicant to demonstrate compliance with the nominated performance outcomes through a site-specific solution.

General

- The proposed amendments have been prepared in liaison with the State and are consistent with the guidance provided in the State Government's Sea Turtle Sensitive Area Code – Model Code for Local Government.

Council Decision

That Council proceed with the proposed Planning Scheme Amendment No. 6 (Mon Repos/ Sea Turtle Amendment) and that no changes are made to the proposed amendment to address issues raised in submissions.

ATTACHMENT 3 – CHANGES TO PLANNING SCHEME AMENDMENTS

Amendment No. 5 (Major Amendment)

Recommended responses and proposed changes to address issues raised in submissions –

Bundaberg State Development Area (SDA) and Special Purpose Zone

1. That Council proceed with the proposed Special purpose zoning for land in the Bundaberg SDA Development Scheme and for Strategic Port Land, for the following reasons:
 - The Coordinator-General is currently responsible for assessing and deciding development for material change of use on land regulated by the SDA Development Scheme – this has been the case since the development scheme came into effect in December 2017. The proposed Special purpose zoning does not affect this, or require additional approvals. The [‘Response to landholders frequently asked questions’](#) document released by the State Government provides further information about the effect of State development areas.
 - The Special purpose zone serves to clearly identify the different planning controls for land in the Bundaberg SDA compared to other land in the Bundaberg Region that may be used for a rural or rural residential purpose.
 - The proposed Special purpose zoning is a consistent approach to how other local government planning schemes have addressed State Development Areas.
 - Any impact in property value, ability to resell, or on rates or property insurance should be limited given the zoning change only serves to recognise and reflect the Bundaberg SDA which was declared by the State in February 2017.
2. That minor changes or corrections be made to the proposed amendment to address the following issues raised in submissions –
 - the extent of the Special Purpose zone be reviewed to align with the latest Strategic Port Land; and
 - minor changes to wording in various parts of the planning scheme amendment to clarify intent, including the effect of the Special purpose zone on Strategic Port Land.
3. That no changes be made to address other issues raised in submissions, specifically –
 - it is not considered necessary to highlight the gas pipeline in the Coastal Area local plan – the gas pipeline to the Port is already proposed to be included in the Infrastructure overlay and was highlighted in the Kalkie-Ashfield local plan due to its alignment through the local plan area; and
 - The Bundaberg SDA Development Scheme includes requirements for development to address potential impacts on sea turtles and the environment – Council is not able to amend the SDA Development Scheme.

Burnett Heads Local Centre and Marina/ Boat Harbour

4. That minor changes or corrections be made to the proposed amendment to the Local centre zone code to clarify requirements for front setbacks and awnings over the footpath, and to ensure Figure 6.2.7A does not apply to land not included in the Local centre zone.
5. That no changes be made to address other issues raised in submissions, specifically –
 - The proposed building heights are generally consistent with those previously identified through local planning undertaken by Council for the Burnett Heads town centre, which included streetscape and infrastructure (reticulated sewerage) improvements to support development within the local centre.
 - The development intent for the Burnett Heads Marina/ Boat Harbour is generally consistent with local planning previously undertaken by Council for Burnett Heads, except that the current amendment does not propose changes to building height for the marina development site. Constraints such as storm tide will need to be addressed as part of any proposed development. The amendment, and previous local planning seeks to ensure that any proposed development on the Burnett Heads Marina/ Boat Harbour site appropriately integrates with the existing town centre and urban area of Burnett Heads.

Kalkie-Ashfield Local Plan

6. That Council proceed with the proposed amendment, and does not agree that the subject land should be preserved for agriculture and rural use, for the following reasons –
 - the land is included in the Urban Footprint in the Wide Bay Burnett Regional Plan;
 - the land is capable of being serviced by, and will support Council's investment in the Rubyanna wastewater treatment plant;
 - the amendment to the local plan provides for limited rural residential development along the southern side of Kirbys Road, which will also serve as a buffer between urban development to the south, and rural land to the north of Kirbys Road;
 - the amendment to the local plan ensures that development does not prejudice future urban growth of the city of Bundaberg.
7. That minor changes be made to the Local Area Plan to reflect any amended waterway alignment, if State Planning Policy mapping is amended before finalising the amendment for State review and approval.

Local Heritage

8. That Council, having regard to the concerns and/or objections raised from affected landowners –
 - not proceed with the local heritage listing of Bundaberg Walkers (Foundry) and the Isis Central Sugar Mill;

- change the local heritage listing for Gin Gin Homestead to exclude Lot 27 on SP282815 as a heritage place, but include this lot as a property adjoining a local heritage place – this change recognises that the homestead and other key elements contributing to the significance of this place are located on Lot 28, but are within close proximity to the boundary of Lot 27.
9. That Council proceed with the other proposed local heritage places, but review land identified as adjoining a local heritage place to exclude properties where development of the land is unlikely to be influenced by or impact on the cultural heritage significance of the place. This includes land adjoining Gin Gin Homestead and Baldwin Swamp, given that the rural or open space surrounds of these heritage places provide sufficient separation to adjoining properties.
10. That Council not proceed with the proposed amendment to the Tables of Assessment for the Heritage and neighbourhood character overlay, for properties adjoining a heritage place, given the concerns raised in submissions. Further, a review of acceptable development on places adjoining existing and proposed local heritage places did not identify any development likely to have a significant impact on the cultural heritage values of these local heritage places.

Secondary Dwellings and Dual Occupancy

11. Council proceed with the proposed amendments, and only minor wording changes and corrections be made in response to submissions, to clarify intent. This includes minor wording changes to clarify the intent for secondary dwellings to be interconnected to the main dwelling to remove any perceived conflict with building requirements. No other changes are proposed in response to submissions, for the following reasons –
- While Council acknowledges concerns with the additional floor area required to provide disability access, Council believes that the maximum GFA of 60m² for a secondary dwelling is generally sufficient for this form of development, particularly noting that this area excludes garages and outdoor living areas – larger secondary dwellings may be approved but would be subject to assessment;
 - Council's planning scheme, with the proposed amendment, still facilitates and provides strong support for secondary dwellings and Dual occupancy development, while ensuring these forms of development also meet community expectations.

Building Height

12. That no changes be made to the proposed amendment in response to the issues raised, for the following reasons:
- these submissions raise issues that fall outside of the scope of the proposed amendment and would need to be addressed as part of a separate or future amendment; and
 - any changes to the current amendment to address these issues would likely result in the amendment being significantly different to the version released for public consultation.

Other Zoning Changes

13. Council proceed with proposed zoning changes at Rosewood Place, Bundaberg North.
14. That no changes be made to the proposed amendment in response to the requested zoning changes for land at Kendalls Road, Avoca (SP291180/80) and Rowlands Road, Burnett Heads (SP234427/20), for the following reasons –
 - the requested zoning changes fall outside of the scope of the proposed amendment and would need to be addressed as part of a separate or future amendment; and
 - any changes to the current amendment to include the requested zoning changes would likely result in the amendment being significantly different to the version released for public consultation.

Other Matters

15. That changes of an administrative or minor nature be made to the amendment, including to correct drafting errors and update mapping to reflect the latest cadastre.
16. That no changes be made to the proposed amendment in response to the other issues raised, for the following reasons:
 - these submissions raise concerns that the planning scheme cannot address, or which are more appropriately addressed through other means issues, or raise concerns that fall outside of the scope of the proposed amendment and would need to be addressed as part of a separate or future amendment;
 - any changes to the current amendment to address these issues would likely result in the amendment being significantly different to the version released for public consultation.

Amendment No. 5 (Major Amendment) and Amendment No. 6 (Qualified State Interest – Mon Repos/ Sea Turtle Amendment)

Changes of an administrative or minor nature, to amend drafting errors, including –

- amend Strategic Framework Maps SFM-001, 002, & 003 to reflect the proposed Rural Residential zoning of land at Shelley Street, Burnett Heads;
- clarify zoning that part of RP7194/1 (Rowlands Road, Burnett Heads) not included in the State Development Area is to remain in the Rural zone;
- update zoning to include the whole of SP308086/401 (east of Hughes Road, Bargara) in the Low density residential zone, recognising the surveyed alignment of the Hughes Road extension;
- review zonings at the port to reflect recent changes to Strategic Port Land (September 2019).

SUMMARY OF SUBMISSIONS - AMENDMENT NO. 5 (MAJOR AMENDMENT)

Ref	Property Address	Key Issue/s	Submission Summary	Response
M01	Harbour Esplanade, Burnett Heads	Zoning, Burnett Heads Town Centre and Boat Harbour	<p>The submission supports the proposed zoning change to extend the Local centre zone in the Burnett Heads town centre.</p> <p>Concerned that developers may not commit to the Burnett Heads Local Centre zoned properties given the uncertainty surrounding Port land east of Moss Street to Kelly Street, highlighting that:</p> <p>(a) The land (barely above high tide) should be reserved for boating purposes, conservation and parkland only; and</p> <p>(b) Due to projected sea level rise and vulnerability to storm surge, it would be irresponsible to consider residential development in this area with an abundance of more suitable sites available.</p>	<p>Response:</p> <p>Council acknowledges the support for the Local centre zoning in this locality. Council has decided to proceed with the proposed amendment – no changes have been made to the proposed amendment to address matters raised in this submission.</p> <p>Reasons:</p> <p>The proposed amendment includes outcomes for development of the Boat Harbour (Marina) site in the Central coastal urban growth area local plan code, reflecting key outcomes identified in the Burnett Heads Town Centre Local Plan which was adopted by Council on 10 October 2017. The local plan was developed in consultation with the local community and local community groups.</p> <p>Existing controls in Council's planning scheme and State referral assessment triggers will ensure that proposed development at Burnett Heads will need to consider, avoid and/or mitigate risks associated with storm tide inundation and coastal erosion.</p> <p>Any proposed development within a flood hazard area (riverine or localised flooding, or storm tide inundation), will require assessment, and will need to demonstrate compliance with the Flood hazard overlay code in Council's planning scheme, to ensure the safety of people is protected and the risk of harm to property and the natural environment from flood and storm tide inundation is minimised.</p> <p>Aside from requiring Council assessment, where a proposed development within an Erosion prone area triggers State referral, the development will also require assessment through the State Assessment and Referral Agency.</p>
M02	Canefield Drive, Burnett Heads	Bundaberg State Development Area (SDA) and Special purpose zone	<p>Concerned with the proposed Special purpose zoning and how it may affect the building of a residential home.</p> <p>Submission seeks clarification about what can be built under the Special purpose zoning and how it may affect property rates.</p> <p>Seeks additional information to assist in understanding the Special purpose zone and what land can be used for.</p>	<p>Response:</p> <p>While Council acknowledges concerns raised regarding the Special purpose zoning, Council has decided to proceed with the proposed amendment – no changes have been made to the proposed amendment to address matters raised in this submission.</p> <p>Reasons:</p> <p>The proposed zoning change seeks to highlight the different controls already in place within the Bundaberg State Development Area (SDA), and ensure that development regulated by Council's planning scheme is consistent with the Bundaberg SDA Development Scheme.</p> <p>The Bundaberg SDA Development Scheme came into effect in December 2017. From this time, the use of land in the Bundaberg SDA has been</p>

Ref	Property Address	Key Issue/s	Submission Summary	Response
				<p>regulated by the Coordinator-General (State Government), not by Council's Planning Scheme, which only controls development for reconfiguring a lot (i.e. subdivision), building work and operational work (e.g. filling, excavation and civil works).</p> <p>The Queensland Government's 'Response to landholders frequently asked questions' document (copy attached), provides further information about the effect of State development areas. Among other things, the FAQ's outline that material change of use development includes building a dwelling house. As such, it is advised that you contact the Coordinator-General's SDA division to determine what can be built on the subject land within the Bundaberg SDA.</p> <p>Any impact on rates should be limited given the zoning change only serves to reflect the Bundaberg SDA, declared by the State in February 2017.</p>
M03	River Road, Fairymead	Bundaberg State Development Area (SDA) and Special purpose zone	<p>Objects to the proposed rezoning of land and believes the land should remain rural. The submission outlines a number of concerns and reasons in support of this objection, including –</p> <ul style="list-style-type: none"> • changes to the property will require the permission of the SDA before it goes to Council; • the Coordinator-General has the power to acquire land under this new zone; • rezoning will devalue the property and affect ability to resell and rates. 	<p>Response:</p> <p>While Council acknowledges concerns raised regarding the Special purpose zoning, Council has decided to proceed with the proposed amendment – no changes have been made to the proposed amendment to address matters raised in this submission.</p> <p>Reasons:</p> <p>The proposed zoning change seeks to highlight the different controls already in place within the Bundaberg State Development Area (SDA), and ensure that development regulated by Council's planning scheme is consistent with the Bundaberg SDA Development Scheme.</p> <p>The Bundaberg SDA Development Scheme came into effect in December 2017. From this time, the use of land in the Bundaberg SDA has been regulated by the Coordinator-General (State Government), not by Council's Planning Scheme, which only controls development for reconfiguring a lot (i.e. subdivision), building work and operational work (e.g. filling, excavation and civil works).</p> <p>The Queensland Government's 'Response to landholders frequently asked questions' information sheet (copy attached), provides guidance for what material change of use development in the Bundaberg SDA includes (e.g. building a dwelling house, building for commercial purposes, intensification of rural uses). This FAQ's sheet also provides information regarding the Coordinator-General's land acquisition powers which have applied to the subject land since the declaration of the Bundaberg SDA in February 2017. This is not altered by the proposed amendment.</p> <p>Any impact in property value, ability to resell, or rates should be limited given the zoning change only serves to reflect the Bundaberg SDA which was declared by the State in February 2017.</p>

Ref	Property Address	Key Issue/s	Submission Summary	Response
M04	Kirbys Road, Kalkie	Kalkie-Ashfield	Submission supports the proposed amendments as shown in Figure 7.2.2 Kalkie-Ashfield Local Development Area Structure Plan Concept.	Response: Council acknowledges the support for the proposed amendments.
M05	Bundaberg North	Zoning	Submission welcomes and supports the proposed zoning change, for the following reasons – <ul style="list-style-type: none"> the zoning change is in-keeping with the zoning of other properties on the same street; the property is at the same level as the house across the street. 	Response: Council acknowledges the support for the proposed zoning change.
M06	Rowlands Road, Burnett Heads	Bundaberg State Development Area (SDA) and Special purpose zone	Submission objects to and questions the need for the zoning change to the Special purpose zone at this point of time, and seeks clarification as to what the Special purpose zoning means. Believes that Council should put the zone change on hold until there is positive action from the State Government. The submission outlines reasons, including – <ul style="list-style-type: none"> the proposed change promotes uncertainty and could lead to falling values/unsaleable land; there is ample vacant land within the immediate Port area for expansion, without the need for the zoning change. 	Response: While Council acknowledges concerns raised regarding the Special purpose zoning, Council has decided to proceed with the proposed amendment – no changes have been made to the proposed amendment to address matters raised in this submission. Reasons: Development involving a material change of use of land in the Bundaberg State Development Area (SDA) is regulated by the State Government under the Bundaberg State Development Area Development Scheme 2017. Within the Bundaberg SDA, Council's planning scheme only regulates development for reconfiguring a lot, operational work and building work. This has been the case since the Bundaberg SDA Development Scheme came into effect in December 2017. The proposed zoning change does not affect this, but largely seeks to highlight the different controls already in place within the Bundaberg SDA. Ultimately, the proposed Special purpose zone and supporting Special purpose zone code are necessary to ensure that future development regulated by Council's planning scheme is consistent with the SDA development scheme and complements the role of the Port of Bundaberg. Any impact in property value, ability to resell, or rates should be limited given the zoning change only serves to reflect the Bundaberg SDA which was declared by the State in February 2017.
M07 to M11		Burnett Heads Town Centre	Submission supports proposed amendments for following reasons: <ul style="list-style-type: none"> Allows greater flexibility for land use/future development. Revised heights will not impact surrounding residential areas. 	Response: Council acknowledges the support for the proposed amendments for the Burnett Heads town centre.

Ref	Property Address	Key Issue/s	Submission Summary	Response
			<ul style="list-style-type: none"> Increased density in the commercial precinct will consolidate hub and be complimentary to endeavours of the port precinct. Changes facilitate future population growth and build on Council's recent investment to gentrify Burnett Heads town centre. Acceptable land use outcome that will stimulate local business. 	
M12	Sauers Road, Kalkie	Kalkie-Ashfield; Zoning	<p>Submission supports the proposed zoning change.</p> <p>Seeks information about the potential for redeveloping the landholding to 4000m² allotments.</p>	<p>Response:</p> <p>Council acknowledges the support for the proposed zoning change.</p> <p>It is noted that the proposed zoning change to the Emerging community zone seeks to provide for future growth of Bundaberg city, reflecting the area's urban footprint designation in the Wide Bay Burnett Regional Plan 2011.</p> <p>As such, the Kalkie Ashfield local development area local plan code and structure plan concept have been amended to identify the intended land use and development outcomes for the northern portion of Kalkie to facilitate future growth.</p> <p>Identified in the proposed Figure 7.2.2 Kalkie Ashfield Local Development Area Structure Plan Concept, the property at 113 Sauers Road, Kalkie is to be located partially within the Residential area designation and partially within the Medium density residential area designation, nearby an indicative Neighbourhood Activity Centre.</p> <p>As such, the proposed amendment does not cater for large lot residential (Rural Residential) development on the subject property.</p> <p>Rural residential development is proposed to be limited to a small area in the northern portion of Kalkie to ensure that predominantly urban residential development is of an appropriate density to benefit from its proximity to urban services, including Rubyanna wastewater treatment plant.</p>
M13	4 Gavin Street, Bundaberg North	Local Heritage (Bundaberg Walkers Foundry)	<p>Objection to listing of Bundaberg Walkers Foundry as a local heritage place under the planning scheme - requesting that Council does not proceed with the proposed listing.</p> <p>The submission outlined a number of reasons and grounds in support of the submission, including concerns that the proposed local heritage listing will prejudice and be an impediment to, the future use, operational efficiency and potentially viability of the Foundry.</p>	<p>Response:</p> <p>Council acknowledges the objection to the proposed inclusion of Bundaberg Walkers Foundry as a local heritage place.</p> <p>Having regard to the concerns and objection raised by Bundaberg Sugar Ltd as landowner, Council has decided not to proceed with the proposed local heritage listing of Bundaberg Walkers Foundry.</p>

Ref	Property Address	Key Issue/s	Submission Summary	Response
M14	River Road, Fairymead	Bundaberg State Development Area (SDA) and Special purpose zone	<p>Disagrees with proposed rezoning until clarification and written documentation can be provided regarding concerns below:</p> <ul style="list-style-type: none"> • How much rates and insurances are expected to increase with the proposed rezoning. • Seeks clarification regarding predicted property value decrease under the new SDA rules and whether there will be compensation. • Concerned about how rezoning will effect ability to subdivide land for 4 possible homes to be built in the future. • Concerned that proposed subdivision or any future changes to any building structures will require permission of the SDA before it goes to Council and will need to fall in line with future plans of the SDA. • Coordinator-General has compulsory acquisition powers. Requests property be removed from new zoning and left as rural, being a small portion of the new zoning map. 	<p>Response:</p> <p>While Council acknowledges concerns raised regarding the Special purpose zoning, Council has decided to proceed with the proposed amendment – no changes have been made to the proposed amendment to address matters raised in this submission.</p> <p>Reasons:</p> <p>Development involving a material change of use of land in the Bundaberg State Development Area (SDA) is regulated by the State Government under the Bundaberg State Development Area Development Scheme 2017.</p> <p>The Queensland Government's 'Response to landholders frequently asked questions' information sheet (copy attached), provides guidance for what material change of use development in the Bundaberg SDA includes (e.g. building a dwelling house, building for commercial purposes, intensification of rural uses).</p> <p>This FAQ's sheet also provides information regarding the Coordinator-General's land acquisition powers which have applied to the subject land since the declaration of the Bundaberg SDA in February 2017. This is not altered by the proposed amendment.</p> <p>Within the Bundaberg SDA, Council's planning scheme only regulates development for reconfiguring a lot, operational work and building work. This has been the case since the Bundaberg SDA Development Scheme came into effect in December 2017.</p> <p>The proposed zoning change does not affect this, but largely seeks to highlight the different controls already in place within the Bundaberg SDA to ensure that development regulated by Council's planning scheme is consistent with the SDA development scheme.</p> <p>Currently, the subject property is located in the Rural zone under the Bundaberg Regional Council Planning Scheme. Within the Rural zone, the minimum lot size specified is 100 hectares, whereby further subdivision of rural lands is minimised and fragmentation is prevented to maintain viable farm sizes and to support the ability of landowners to continue rural pursuits, as well as protecting good quality agricultural land.</p> <p>Broadly, the proposed amendment provides for a lot layout and configuration that:</p> <ul style="list-style-type: none"> • Is consistent with a current approval given by the Coordinator-General under the SDA Development Scheme or the intent for land identified in the Development Scheme.

Ref	Property Address	Key Issue/s	Submission Summary	Response
				<ul style="list-style-type: none"> Maintains or enhances the productive use of rural land within the SDA and avoids its fragmentation until the land is required for infrastructure or industry purposes consistent with the Development Scheme. <p>Given the location of the subject property within the Rural uses precinct in the SDA Development Scheme, it is advised to contact the Coordinator-General's SDA division (1800 001 048) to seek guidance regarding what activities can be undertaken on the subject property.</p> <p>Any impact in property value, ability to resell, or rates should be limited given the zoning change only serves to reflect the Bundaberg SDA which was declared by the State in February 2017</p>
M15	10 Kendalls Road, Avoca	Zoning	<p>It is submitted that the site (10 Kendalls Road, Avoca) be included in the Specialised centre zone to reflect approved use, built form and operation of premises.</p> <p>Notes that other land in the precinct is proposed to be included in the Major centre zone.</p> <p>Reasons summarised below:</p> <ul style="list-style-type: none"> Site's interface with adjacent low density residential properties, particularly residential amenity, has been fully addressed in the conditioning and subsequent built form of the premises. Table of Assessment for Specialised centre zone provides a range of accepted subject to requirements or code assessable business activities if within existing commercial building and footprint is not altered. Considering the range of business activities contemplated, measures in place to protect adjacent residential amenity would provide appropriate protection. Other uses which may generate greater impacts are either code or impact assessable and would have to meet code provisions, particularly PO6 - Effects of development of the Specialised centre zone code. 	<p>Response:</p> <p>The subject land has been retained in the Low density residential zone under the proposed planning scheme amendment.</p> <p>Reasons:</p> <p>Under the Minister's Guidelines and Rules (MGR), the proposed change would likely be considered a significant change to the current public notification version of the proposed planning scheme amendment and would therefore require Council to repeat the public consultation period for the proposed amendment.</p> <p>The submission may be considered as part of a future planning scheme amendment.</p>
M16	Rowlands Road, Burnett Heads	Bundaberg State Development Area (SDA) and Special purpose zone	<p>Concerns summarised below:</p> <ul style="list-style-type: none"> Concern with future of property, located in a transport corridor. Concerned about house, future, and not having answers. Very little has happened at the port since Knauf opened. 	<p>Response:</p> <p>While Council acknowledges concerns raised regarding the Special purpose zoning, Council has decided to proceed with the proposed amendment – no changes have been made to the proposed amendment to address matters raised in this submission.</p> <p>Reasons:</p>

Ref	Property Address	Key Issue/s	Submission Summary	Response
			<ul style="list-style-type: none"> If planning to build a transport corridor, would you kindly make it happen sooner rather than later? Bundaberg SDA slowest of all Queensland SDA's to actually do anything in recent years - most actioned and make money within 18 months of declaration. 	<p>Development involving a material change of use of land in the Bundaberg State Development Area (SDA) is regulated by the State Government under the Bundaberg State Development Area Development Scheme 2017.</p> <p>The Queensland Government's 'Response to landholders frequently asked questions' information sheet (copy attached), provides guidance for what material change of use development in the Bundaberg SDA includes (e.g. building a dwelling house, building for commercial purposes, intensification of rural uses).</p> <p>Within the Bundaberg SDA, Council's planning scheme only regulates development for reconfiguring a lot, operational work and building work. This has been the case since the Bundaberg SDA Development Scheme came into effect in December 2017.</p> <p>The proposed zoning change does not affect this, but largely seeks to highlight the different controls already in place within the Bundaberg SDA.</p> <p>Ultimately, the proposed Special purpose zoning and supporting Special purpose zone code are necessary to ensure that future development regulated by Council's planning scheme is consistent with the SDA development scheme and complements the role of the Port of Bundaberg.</p>
M17	Strategic Port Land	Bundaberg State Development Area (SDA) and Special purpose zone; Strategic Port Land	<p>Comments and suggestions summarised below:</p> <p><u>Part 3 - Strategic Framework</u></p> <p>Port of Bundaberg strategic port land and the Bundaberg SDA already exist on the river's northern side. Reasoning for reference to 2031 unclear, recommend reviewing the source of this data or reword for clarification (page 3-9).</p> <p><u>Part 6 - Zones</u></p> <p>Recommend adding 'Special purpose zone code' to list under 'other zones category' - Section 6.1 (8).</p> <p>Review Special purpose zone - Section 6.2.19.2 (1) - Editor's notes, querying whether these notes adequately describe when the various schemes and land use plan apply within the SDA and Special purpose zone. May be helpful to provide further clarification where the State Development Area and Strategic Port land overlap.</p> <p><u>Part 5 - Tables of Assessment</u></p> <p>Table 5.4.20 implies that this scheme is applicable to development on all land in the Bundaberg SDA not regulated by the development scheme.</p>	<p>Response:</p> <p>The following responses are provided to the issues raised in this submission.</p> <p><u>Part 3 Strategic Framework (page 3-9)</u></p> <p>Proposed amendment to remain unchanged. As specified in Part 1 - About the planning scheme, the planning scheme sets out Bundaberg Regional Council's intention for future development in the planning scheme area, over a horizon of sixteen years (2015 to 2031).</p> <p>Therefore, the reference reflects the planning scheme's vision to 2031, where the Port of Bundaberg and associated industry and support infrastructure has expanded to the northern side of the Burnett River to cater for additional demand from the resource sector, agriculture and other import and export commodities.</p> <p><u>Part 6 - Zones -</u></p> <p>Changes proposed to Part 6.1 - Preliminary (8) to include the Special purpose zone into the appropriate zone category.</p> <p>Proposed to review Editor's note, generally as follows:</p> <p>'The Material change of use of premises regulated by the Bundaberg State Development Area Development Scheme is administered by the Coordinator-General. In this area, the planning scheme only regulates</p>

Ref	Property Address	Key Issue/s	Submission Summary	Response
			<p>Further consider whether table provides an applicant with sufficient information to determine whether categories of development and assessment and assessment benchmarks apply to a development.</p> <p>Suggestion to provide further clarification regarding when the planning scheme is triggered in the BSDA/Special purpose zone.</p> <p><u>Part 7 - Local plans</u></p> <p>Suggest inclusion of figure/s to show the location or buffer of the existing gas pipeline or any proposed new gas pipeline to the Port of Bundaberg in and near the Port of Bundaberg.</p> <p><u>Strategic Port Land and Zones</u></p> <p>Submission provides figure showing current strategic port land, appearing to be some discrepancies between this figure and proposed amendments.</p> <p>No objection to zoning strategic port land as 'special purpose'. No objection to zoning RP7196/10 as 'rural'. No objection to proposed 'industry' zone for SP296896/306.</p> <p>Port of Bundaberg Land Use Plan currently being reviewed, anticipating to be changes (removals and additions) to strategic port land which will be released subsequent to finalisation and approval processes in 2020. Council may need to nominate new zones for land that is removed from strategic port land in the revision.</p>	<p>development for reconfiguring a lot, building work and operational work (except for where land is identified as Strategic Port Land)'. <u>Part 5 - Tables of Assessment -</u> Proposed to review Part 5 - Table 5.4.20 - Special purpose zone to provide further clarification regarding when the planning scheme is triggered in the Bundaberg State Development Area to also reflect land not regulated by the Port of Bundaberg Land Use Plan. <u>Part 7 - Local Plan Codes -</u> No changes proposed. The proposed amendment retains visibility of the gas pipeline to the Port of Bundaberg in the Kalkie Ashfield local development area local plan. Further, Council's overlay mapping reflects the existing gas pipeline. As such, existing controls in the planning scheme will ensure that proposed development:</p> <ul style="list-style-type: none"> - Provides and maintains adequate separation to a gas pipeline corridor so as to minimise risk of harm to people and property. - Is constructed and operated to avoid compromising the viability of the gas pipeline corridor, or damaging/adversely affecting the existing or future operation of major gas pipelines and the supply of gas. <p>It is not proposed to reflect any proposed new gas pipelines, without certainty as to the general location of any future gas pipeline.</p> <p><u>Strategic Port Land and Zones -</u> Proposed to update mapping to reflect the most recent strategic port land mapping as provided. The proposed Special purpose zoning will allow strategic port land no longer regulated by the Port of Bundaberg Land Use Plan to be regulated by Council's planning scheme under the Special purpose zone code. Future additions to strategic port land, where not already located in the Bundaberg State Development Area, can be considered as part of a future planning scheme amendment.</p>
M18	Kirbys Road, Kalkie	Kalkie-Ashfield	<p>Submission offers support for amendment with the exception of the Kalkie Ashfield Local Development Area Structure Plan Concept.</p> <p>Recommends modifying local structure plan concept over Lot 20 on SP291214 to include 4000m² lots across the frontage to a distance of about 60 metres from the western lot boundary.</p>	<p>Response: Council acknowledges the support for the proposed amendment. Minor changes to the Local Area Plan will be considered to reflect any amended waterway alignment, if State Planning Policy mapping is amended before finalising the amendment for State review and approval. No other changes are proposed in response to this submission.</p>

Ref	Property Address	Key Issue/s	Submission Summary	Response
			<p>Grounds for submission summarised:</p> <ul style="list-style-type: none"> • Site has singular road access at the northern end, with relatively good access to Kirbys Road and proximate (3.2km) to dense urban development. • Certified PMAV - no regulated vegetation. • Latest waterway mapping locates the waterway away from any proposed development - current SPP and DAMS mapping under review, due to be updated to this alignment. • Stormwater modelling has achieved 100% flood free lots to the proposed lots and improvements in all adjoining properties. 5 acres on southern boundary could also be mapped suitable for 4000m² lots with small amount of earthworks required to make this section flood free (of less concern at present as it is dependent on adjoining landowner developing first). • Used for residential and grazing, minimal potential for intensified farming operations (poor soil quality and no access to Sun water). Constraints for agricultural use, some subdivision (where practical) remains a positive outcome. • Flat site with low hazard flooding overlay and otherwise generally unconstrained. • Surrounding land uses comprise agricultural activities and Emerging communities zoning. • Waste management services site and surrounds - close proximity to existing infrastructure and services desirable for lifestyle rural residential living. • Additional large residential lots provides greater housing diversity and lifestyle choice close to urban areas. Provide for current/future market demand for rural residential lots, insufficient amount currently in this locality. • Does not impact on environmentally significant areas and would have minimal influence on land parcels surrounding. • New lots provides infrastructure charges contribution for Council to invest in infrastructure. 	<p>Reasons:</p> <p>The proposed amendment reflects the inclusion of the northern portion of Kalkie into the Kalkie Ashfield local development area local plan, comprising land between Sauers Road, Rubyanna Road, Kirbys Road and McGills Road.</p> <p>As such, the amendment proposes changes to Kalkie-Ashfield local development area structure plan and local plan code to identify the intended land use and development outcomes in this area.</p> <p>The subject property described as Lot 20 on SP291214 is proposed to be located partly in the Large Lot Residential (Rural Residential) designation, and mostly within the Open Space/Environmental Protection Area designation in the Kalkie Ashfield local development area structure plan concept, recognising potential flooding, drainage and environmental issues associated with Rubyanna Creek.</p> <p>While the Queensland Government's State Planning Policy and Development Assessment Mapping systems may currently be under review, this proposed amendment takes into consideration Council's current overlay mapping to date.</p> <p>Subject to updated Queensland Government data becoming available, the local area plan and overlay mapping may be reviewed to reflect the latest SPP and DAMS mapping. However, this would affect Council's current Flood hazard overlay mapping.</p>
M19		Burnett Heads Town Centre and Boat Harbour;	Summary of submission as it relates to major amendment:	Response:

Ref	Property Address	Key Issue/s	Submission Summary	Response
		Building Height	<ul style="list-style-type: none"> Five storey rezoning in Burnett Heads CBD to be reduced to three storeys as it will be the precedent to allow at least five storeys within the new marina development. Current application for nine storey hotel complex at Burnett Heads River mouth - Despite lighting conditions applied to development will increase coastal glow significantly. Rapid development of Kelly's Beach and previous/current Councils' inability to enforce and monitor conditions resulted in turtle nesting numbers collapsing - no longer major nesting site. With the Esplanade Jewel development and also stringent lighting design and conditions about the start, hoped that Council will have adequate monitoring and enforcement procedures to ensure Kelly's beach situation is never repeated. Recent debate highlights need for the planning scheme to specifically state appropriate building height restrictions in the turtle sensitive zone. STA continues to believe that the current three storeys with extension to five storeys for exceptional developments, should remain. 	<p>No changes have been made to the proposed amendment for this location or in response to this submission.</p> <p>Reasons:</p> <p>Council acknowledges your concern regarding the proposed amendments and provides the following information.</p> <p>The proposed amendment includes building height and design requirements for development in the Burnett Heads Town Centre and outcomes for development for the Burnett Heads Boat Harbour, reflecting key outcomes identified in the Burnett Heads Town Centre Local Plan which was adopted by Council on 10 October 2017. The local plan was developed in consultation with the local community and local community groups.</p> <p>Amendment No.6 (Mon Repos sea turtle amendment) as proposed, will ensure that assessable development within the Sea turtle sensitive area (including Burnett Heads Town Centre and Boat Harbour) requires assessment against the Sea turtle sensitive area overlay code.</p> <p>While building height provisions in the High density residential zone do not form part of these amendments, Council acknowledges the suggestion that the current three storey building height with an extension to five storeys for exceptional development, should remain.</p> <p>Currently, Temporary Local Planning Instrument 1/2019 (Bargara Building Height and Sea Turtle Sensitive Area) regulates building height for assessable development on land within the Bargara Height Control Area as identified in the TLPI. This TLPI also ensures that assessable development in Council's Sea turtle sensitive area is assessed against the State Government's Sea turtle sensitive area code.</p> <p>This TLPI provides greater certainty regarding building height for both residential and non-residential development within the Bargara Height Control Area.</p>
M20	Burnett Heads Town Centre and Boat Harbour; Bundaberg State Development Area (SDA); Kalkie Ashfield; Hughes and	Burnett Heads Town Centre and Boat Harbour; Bundaberg State Development Area (SDA); Kalkie Ashfield; Hughes and	<p>Concerns summarised below:</p> <p><u>Burnett Heads Marina</u></p> <ul style="list-style-type: none"> Burnett Heads Town Plan proposes building heights of 9 storeys for the area extending out into the harbour, and 5 storeys for the adjoining area back to Harbour Esplanade. Seeks clarification as to whether this area is within the Turtle Sensitive Area. 	<p>Response:</p> <p>No changes have been made to the proposed amendment in response to the matters raised in this submission.</p> <p>Reasons:</p> <p>Council acknowledges your concern regarding the proposed amendments and provides the following information.</p> <p><u>Burnett Heads Marina</u></p> <p>The proposed amendment includes building height and design requirements for development in the Burnett Heads town centre and outcomes for development for the Burnett Heads Boat Harbour (Marina), reflecting key</p>

Ref	Property Address	Key Issue/s	Submission Summary	Response
		Seaview Bargara	<ul style="list-style-type: none"> • Building heights should be restricted to no more than 3 storeys providing light emissions are compliant with Performance Outcomes within the sea turtle sensitive area. <p><u>State Development Area</u></p> <ul style="list-style-type: none"> • State Development Area and port should be subject to the same lighting and building height controls as the rest of the coastal area. • Migratory wading bird habitat - future development proposals within the SDA must take into account the need to protect wetland areas and migratory bird nesting locations immediately adjoining the north-east coastline. <p><u>Kalkie-Ashfield Plan and Branyan</u></p> <ul style="list-style-type: none"> • Continual expansion of the urban areas into rural areas not in best interests of agriculture and horticulture and should be protected. <p><u>Hughes and Seaview Road</u></p> <ul style="list-style-type: none"> • Not clear whether masterplan is to be incorporated as is, or whether it is intended to just be designated urban. • Needs to be building height and lighting restrictions. • Council Offices and Cultural Centre must be retained in the Community Use zone and made available for use by the residents and ratepayers of Bargara and adjoining coastal communities. 	<p>outcomes identified in the Burnett Heads Town Centre Local Plan which was adopted by Council on 10 October 2017. The local plan was developed in consultation with the local community and local community groups.</p> <p>There are no changes to building height proposed for the Burnett Heads Boat Harbour (Marina) as part of these planning scheme amendments.</p> <p>Burnett Heads Boat Harbour (Marina) and Burnett Heads town centre are both located in Council's Sea turtle sensitive area overlay mapping. As such, Amendment No.6 (Mon Repos Sea turtle amendment) as proposed, will ensure that assessable development within the Sea turtle sensitive area requires assessment against the Sea turtle sensitive area overlay code.</p> <p><u>State Development Area</u></p> <p>Development involving a material change of use of land in the Bundaberg State Development Area (SDA) is regulated by the Coordinator-General under the Bundaberg State Development Area (SDA) Development Scheme 2017.</p> <p>The Bundaberg SDA Development Scheme contains planning controls regulating material change of use development in this area, including for lighting impacts and protection of migratory bird habitat.</p> <p>Within this area, Council's planning scheme only regulates development for reconfiguring a lot, operational work and building work. This has been the case since the Bundaberg SDA Development Scheme came into effect in December 2017.</p> <p>The proposed zoning change does not affect this, but largely seeks to highlight the different controls already in place within the Bundaberg SDA to ensure that future development regulated by Council's planning scheme is consistent with the SDA development scheme and complements the role of the Port.</p> <p><u>Kalkie Ashfield</u></p> <p>The proposed changes to the Kalkie Ashfield local development area structure plan seek to provide for the future growth of Bundaberg city.</p> <p>This reflects the area's urban footprint designation in the Wide Bay Burnett Regional Plan 2011, and its proximity to urban services, including Rubyanna wastewater treatment plant.</p> <p>In the proposed Kalkie Ashfield local development area structure plan concept, a majority of land subject to SPP Agricultural Land Classification in Council's overlay mapping is included in the Rural and Landscape Protection Area designation. Among other things, this designation seeks to retain land</p>

Ref	Property Address	Key Issue/s	Submission Summary	Response
				<p>for rural production and non-urban uses that are compatible with the retention of the area's rural and natural landscape character.</p> <p>The proposed amendment also includes additional requirements for agricultural buffers in the Kalkie Ashfield local development area to ensure that development incorporates adequate buffering and separation to surrounding rural production areas and existing farm operations.</p> <p>Urban expansion in Branyan does not form part of this planning scheme amendment.</p> <p><u>Hughes and Seaview Road</u></p> <p>The Planning Scheme Policy for Hughes and Seaview Bargara masterplan area is proposed to be rescinded with the content instead to be incorporated into the Central coastal urban growth area local plan code.</p> <p>This involves the integration of existing masterplan area mapping from the Planning Scheme Policy into Figure 7.2.1 Central coastal urban growth area structure plan concept.</p> <p>The land at 160 Hughes Road, Bargara (Bargara Cultural & Community Centre) is proposed to remain in the Community Facilities zone.</p> <p>Hughes and Seaview Bargara masterplan area is located in Council's Sea turtle sensitive area overlay mapping. As such, Amendment No 6 (Mon Repos Sea turtle amendment) as proposed, will ensure that assessable development within the Sea turtle sensitive area requires assessment against the Sea turtle sensitive area overlay code.</p>
M21		Amendments (generally); Secondary Dwellings and Dual Occupancy; Local Heritage	<p>Submission supports the following aspects:</p> <ul style="list-style-type: none"> Greater recognition of the Bundaberg State Development Area. Improved provisions around pedestrian connectivity, built form and design within the Centre zones. <p>Concerns summarised below:</p> <p><u>Local Heritage - adjoining properties</u></p> <p>Concern regarding heritage and neighbourhood character overlay triggering code assessment for Material Change of Use and Building Work applications where adjoining local heritage property.</p> <p>Increase in level of assessment and lack of guidance/specific criteria around development adjoining heritage in the overlay code will cause a number of dwellings (MCU and BW) to unnecessarily become code assessable, also increasing the</p>	<p>Response:</p> <p>The support for greater recognition of the Bundaberg State Development Area, and improved provisions around pedestrian connectivity, built form and design within the Centres zones is noted.</p> <p><u>Local Heritage - adjoining properties</u></p> <p>In response to concerns raised with the proposal to trigger assessment of dwelling houses on land adjoining a local heritage place, Council has decided not proceed with this aspect of the proposed amendment to the Tables of Assessment for the Heritage and neighbourhood character overlay.</p> <p>Further, Council has undertaken a review of the proposed local heritage sites and where practical removed the adjoining site mapping. Examples being, properties adjoining Baldwin Swamp and the Gin Gin Homestead have been removed from the adjoining property designation.</p> <p><u>Secondary Dwellings</u></p>

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			<p>cost/time of delivering and the final purchase of these dwellings (passed onto the purchaser).</p> <p>Potential homebuyers required to undergo a formal application to council, engaging consultants/designers to ensure dwelling house does not offend the existing character and heritage, costing additional \$7000-\$9000 (in total with Council fees) as part of overall costs.</p> <p>Council could provide greater certainty/direction on how future development can comply with the overlay code where the level of assessment remains code assessable - more tangible benchmarks giving the industry greater foresight to avoid misinterpretation/confusion.</p> <p>Recommends Council refrain from escalating level of assessment in residential areas (adjoining local heritage) and draft tangible benchmarks for future development to comply with for Accepted development, subject to requirements.</p> <p><u>Secondary Dwellings</u></p> <p>Concerns regarding additional requirements for secondary dwellings:</p> <ul style="list-style-type: none"> • Changes onerous, reducing the ability to provide secondary dwellings. • Secondary dwellings are to function ancillary and in support of the primary dwelling house and will meet this function without any changes required. • Submission does not support the inclusion of AO9 requiring a minimum lot size in the Low density residential zone, reduction of maximum gross floor area to 60m², and to be interconnected to the main dwelling via door, breezeway or hallway. • Additional provisions create unnecessary applications for siting relaxation for secondary dwellings and will incur additional cost/time. • Potential conflict AO9.4 (a)(i) with fire separation requirements of the Building Codes Australia, defining a secondary dwelling to be a separate dwelling. <p>Secondary dwellings play important role in enabling families to accommodate changing demographics and offer residents ability to age in place.</p>	<p>The proposed amendment still allows for secondary dwellings to occur as accepted development, subject to requirements, while reinforcing the need for the secondary dwelling to be subservient to the Dwelling house and that they form part of a single household. This seeks to clearly distinguish the difference between a Dwelling house incorporating a secondary dwelling and Dual occupancies, and avoid secondary dwellings being developed for use as Dual occupancies.</p> <p><u>Other Matters</u></p> <p>The error within the assessment table for the establishment of Non-resident workforce is noted.</p> <p>The missing 'or' after AO9.4(a)(i) is noted.</p> <p>The referencing to the <i>Plumbing and Drainage Act 2018</i> is noted.</p> <p>The changes to the Overall outcomes of the Low density residential zone is to provide clearer direction to the intended land uses established within this zone.</p>

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			<p>Bundaberg has a growing aging population where housing choice will be fundamental.</p> <p>Secondary dwellings should remain accessible, easy to deliver, affordable options to cater for changing households.</p> <p>Recommends refraining from including onerous requirements to prescribe minimum lot sizes and reducing the maximum GFA in order to reduce costs and enable greater housing choice.</p> <p><u>Other Matters</u></p> <ul style="list-style-type: none"> • Non-resident workforce accommodation categorised as accepted subject to requirements with no requirements listed. • AO9.4 (a)(i) conflicts with (a)(ii) as the requirement for interconnection will result in a breezeway being required where the secondary dwelling is free-standing, which may be up to 20m in length. Provision should include 'Or; after (a)(i). • Incorrect referencing to <i>Plumbing and Drainage Act 2018</i>. • Language within Overall Outcomes of the Low density residential zone which appear to weaken support for Dual occupancies. 	
M22		Amendments (generally)	Pleased with the proposed changes outlined in Amendment No.5 of the Bundaberg Regional Council Planning Scheme.	<p><u>Response:</u></p> <p>Council acknowledges the support for the proposed changes outlined in Amendment No.5 of the Bundaberg Regional Council Planning Scheme.</p>
M23		Building Height; Local Heritage; Other Matters	<p>The submission raises a number of ongoing concerns the submitter has with the Planning scheme. These concerns primarily relate to the District Activity Centre at Kepnock (including the relating development approval for a shopping centre) and the Jewel Development at Bargara. Both of these relate to development applications that have been previously determined.</p> <p>The submission fully supports the inclusion of the additional Local Heritage Sites.</p> <p>The submitter requests consideration of the following matters:-</p> <ul style="list-style-type: none"> • Introduction of a similar concept as the Development Footprint Plans (or expansion of its application) for balance areas of development 	<p><u>Response:</u></p> <p><u>Existing Development Approvals</u></p> <p>Amendments 5 and 6 of the Planning scheme do not propose to make any changes to the District Activity Centre located within Kepnock. If the shopping centre approved in November 2016 progresses to construction, it will be guided by current approvals (and conditions of approval).</p> <p><u>Development footprint plans</u></p> <p>Protection of environmental areas, drainage paths, and other similar matters on balance parcels are addressed through existing provisions of the Planning scheme. It is envisaged that the use of Development Footprint Plans will be limited to use of creation of footprints for development on residential lots.</p>

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			<ul style="list-style-type: none"> Building height within the southern portion of the District Activity Centre in Kepnock to be limited to 2 storeys rather than 3 and prohibit access from the Activity Centre to Kepnock Road Inclusion of costs/penalties for development that negatively impacts heritage listings Require urban glow preventative measures be mandatory for development within the Sea turtle sensitive area Introduction of mandatory technical reports for particular developments to be deemed properly made Consideration of planning provisions (e.g. building height) in flood hazard/drainage areas where other development within the same catchment has change the flood dynamic <p>Introduction of a definition for 'Exemplary Development' which is used for in a number of Acceptable outcomes of the Planning scheme to allow for 5 storey development rather than 3 in a number of zones within Bargara.</p>	<p><u>Building heights within the Kepnock District Activity Centre</u></p> <p>Amendments 5 and 6 do not proposes any changes within the District Activity Centre within Kepnock.</p> <p><u>Penalties Relating to Local Heritage Site</u></p> <p>Development carried out without a development approval may be subject to compliance action. While Council may consider or have regard to potential impacts from assessable development on a proposed local heritage place, a proposed local heritage place would not trigger a requirement for assessment until it is formally adopted by Council as a local heritage place.</p> <p><u>Urban Glow Preventative Measures</u></p> <p>Amendment 6 proposes that the Sea turtle sensitive area overlay code will apply to assessable development identified within the Sea turtle sensitive area in the Coastal protection overlay, including development within the Burnett Heads Town Centre.</p> <p>The development of the Sea turtle sensitive area code was prepared in liaison with the State Government and adopt the content of the State Government's Sea turtle sensitive area model code.</p> <p><u>Mandatory Technical Report</u></p> <p>The <i>Planning Act 2016</i> does not allow for Council to mandate additional technical reports for the application to be properly made. It is the Planning Act and its nominated subordinate documents that specify what material is required for a properly made application.</p> <p><u>Flood Heights Within Drainage Areas</u></p> <p>Council continually updates its flood modelling (riverine and localised) to reflect development within individual catchments to provide accurate and up-to-date information to ensure future development is as flood resilient as possible. The current system where the Planning scheme interacts and supports flood modelling is best practice.</p> <p><u>Exemplary Development Definition</u></p> <p>Amendments 5 and 6 do not proposes any changes to the Planning scheme regarding how exemplary development is interpreted.</p>
M24		Secondary Dwellings	<p>Objects to the reduction from 80m² to 60m² for a secondary dwelling.</p> <p>Adult son with an intellectual/ physical disability, aiming to have comfortable safe space within close proximity to family.</p>	<p>Response:</p> <p>No changes have been made to the proposed amendment for this location or in response to this submission.</p> <p>Reasons:</p>

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			<p>Since introduction of NDIS, one of the aims is that people with a disability have choice and support - customers can have supported independent living.</p> <p>Given the proposed reduction of 20m², concerned that a 60m² dwelling is not going to meet needs sufficiently.</p> <p>Person with disability can require larger than usual living space (bathroom, shower, toilet and bedroom). Support person (family or other) requires sufficient space to assist the person with disability in a comfortable and safe manner.</p> <p>Residence situated on 6358m², proposed siting of secondary dwelling at the rear of the house with distance of approximately 1m between gutters.</p> <p>Hope that BRC would allow for 'consideration of special circumstances' should the reduction in size become Council policy, especially in areas with allotments over 2000m² or 4000m².</p> <p>Remaining proposed amendments regarding secondary dwellings are not of a real concern, as they can be met at a cost.</p>	<p>Council acknowledges your concern regarding the proposed amendments and provides the following information.</p> <p>The proposed amendment includes additional outcomes in the Dwelling house code to clarify the use of secondary dwellings, providing guidance for the appearance of a secondary dwelling in relation to the main dwelling house and incorporating requirements for who may occupy the secondary dwelling.</p> <p>The amendment proposes to make a Material Change of Use for a dwelling house accepted development subject to requirements, where non-compliance with one or more of the nominated Acceptable Outcomes will trigger assessment against the Dwelling house code with Council as a referral agency for building work in most cases.</p> <p>Therefore, in the circumstance that the proposed secondary dwelling does not comply with the maximum gross floor area of 60m² specified in Acceptable Outcome AO9.3, an assessment against the Dwelling house code would need to demonstrate compliance with Performance Outcome PO9.</p>
M25	Rosewood Place, Bundaberg North	Zoning	<p>Submission supports the proposed changes primarily based on this change being, in part, the fruition of our previous requests for this proposed amendment to the current zoning of our land.</p>	<p>Response:</p> <p>Council acknowledges the support for the proposed zoning change.</p>
M26	Rowlands Road, Burnett Heads	Bundaberg State Development Area (SDA) and Special purpose zone	<p>Concerns summarised below:</p> <ul style="list-style-type: none"> Property to be rezoned so factories can be built on land. Although positive step economically, for the community and surrounding areas it leaves home ownership in a quandary. If rezoned for factories, why would we want to live in a factory area for retirement? What to do when moving back to retire but not able to complete any renovation due to house being rented. Concern regarding selling- who would want to buy when there are so many encumbrances on the property, decreasing property value. When sending planning documents to owners information should be clearer and written in plain English. Concern regarding whether land is going to be reclaimed for infrastructure or rezoning, information never clear. 	<p>Response:</p> <p>While Council acknowledges concerns raised regarding the Special purpose zoning, Council has decided to proceed with the proposed amendment – no changes have been made to the proposed amendment to address matters raised in this submission.</p> <p>Reasons:</p> <p>Development involving a material change of use of land in the Bundaberg State Development Area (SDA) is regulated by the State Government under the Bundaberg State Development Area Development Scheme 2017.</p> <p>The Queensland Government's 'Response to landholders frequently asked questions' information sheet (copy attached), provides guidance for what material change of use development in the Bundaberg SDA includes (e.g. building a dwelling house, building for commercial purposes, intensification of rural uses).</p> <p>Within this area, Council's planning scheme only regulates development for reconfiguring a lot, operational work and building work. This has been the</p>

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				<p>case since the Bundaberg SDA Development Scheme came into effect in December 2017.</p> <p>The proposed zoning change does not affect this, but largely seeks to highlight the different controls already in place within the Bundaberg SDA.</p> <p>Ultimately, the proposed Special purpose zoning and supporting Special purpose zone code are necessary to ensure that future development regulated by Council's planning scheme is consistent with the SDA development scheme and complements the role of the Bundaberg Port.</p> <p>The Queensland Government FAQ's sheet also provides information regarding the Coordinator-General's land acquisition powers which have applied to the subject land since the declaration of the Bundaberg SDA in February 2017. This is not altered by the proposed amendment.</p> <p>Any impact in property value, ability to resell, or rates should be limited given the zoning change only serves to reflect the Bundaberg SDA which was declared by the State in February 2017.</p>
M27		Local Heritage (Allen Brothers' Hut)	Submission pleased that the Allen Brothers' Hut in the scheme is proposed for inclusion as a local heritage place.	<p>Response:</p> <p>Council acknowledges the support for the proposed inclusion of Allen Brothers' Slab Hut as a local heritage place in the Bundaberg Regional Council Planning Scheme.</p>
M28	Gin Gin-Mount Perry Road, Gin Gin	Local Heritage (Gin Gin Homestead)	<p>Submission does not object to Council's proposed plan to include the Gin Gin Station Homestead as a heritage listed building.</p> <p>Submission objects to subject property being affected by proposal, not agreeing to being included in the heritage listing overlay or being affected by any future restrictions that may arise.</p> <p>Gin Gin Station Homestead building is situated on the Eastern side, closer to Bruce Highway. The subject property is approximately 3 kilometres from the Bruce Highway and therefore Gin Gin Homestead is not visible from the property.</p> <p>Proposal appears to be Heritage listing the entire land holdings, not just the building.</p> <p>Department of Main Roads arterial infrastructure and adjacent rest area would have more impact on the homestead than our property.</p> <p>In a rural setting with thousands of meters between our property and the subject building, overlay should not apply.</p>	<p>Response:</p> <p>Council acknowledges that the submission does not object to the proposed local heritage listing of Gin Gin Homestead.</p> <p>Council has undertaken a review of the proposed local heritage site identified as Gin Gin Homestead.</p> <p>Given the location of the adjoining property and its distance from Gin Gin Homestead, it is considered appropriate to remove this subject property from the adjoining property designation.</p>

Ref	Property Address	Key Issue/s	Submission Summary	Response
M29	Bruce Highway, Gin Gin	Local Heritage place (Gin Gin Homestead)	<p>Submission objects to the inclusion of portion SP282815/27 in this amendment.</p> <p>Concerned about possible implications and or restrictions on the future use of this portion.</p> <p>Concerned regarding unnecessarily being conjoined to the adjacent property where the 'Homestead' is situated.</p> <p>Undergone traumatic and protracted process of separation as part of a family business settlement, seeing no benefit in being linked in any way to the portion of land with historic significance.</p> <p>Concerned that general rate payers' money and taxes are directed towards a private home.</p>	<p>Response:</p> <p>Council has undertaken a review of the proposed local heritage site identified as Gin Gin Homestead.</p> <p>Council acknowledges your concern regarding the inclusion of this portion of land described as Lot 27 on SP282815 in the local heritage place designation for Gin Gin Homestead.</p> <p>In response to your submission, the subject property is proposed to be removed from the local heritage place designation under the Bundaberg Regional Council Planning Scheme.</p> <p>However, given the proximity of the subject property to Gin Gin Homestead and the location of the site in the Industry zone, it is considered appropriate to instead include this site in the local heritage adjoining property designation.</p>
M30	Kevin Livingston Drive, Isis Central	Local Heritage place (Isis Central Sugar Mill); Cane Railway	<p>Submission summarised below:</p> <p><u>Proposed Amendments</u></p> <p>Deficiency in proposed amendment resulting in any development in relation to a cane railway being impact assessable development, even on rural land or land previously used for a railway or cane railway purpose.</p> <p>Options include planning scheme amendment or implementation of a Temporary Local Planning Instrument (TLPI). A proposed amendment would be an expedient saving of future Council, developer and Government resources.</p> <p>Council has not amended the planning scheme in respect of cane railway development to reflect the levels of assessment and to afford protection from incompatible development that were provided through the TLPI.</p> <p>ICSM's planned expansion through the Gayndah Region Irrigation Development project will require approval of a further TLPI. Time and costs imposts of obtaining further TLPI's could be avoided through planning scheme amendment.</p> <p>Submits that Council amend its planning scheme to allow cane railway to be a separately defined use and to reflect the assessment requirements for the cane railway use as set out in the table of assessment in TLPI 2/2018.</p> <p>Changes would achieve a more efficient approvals pathway for future cane railway development.</p> <p><u>Proposed Zoning Amendments</u></p>	<p>Response:</p> <p>The following responses are provided to the issues raised in this submission.</p> <p><u>Proposed amendments</u></p> <p>The points raised in this submission regarding amending the planning scheme in respect of cane railway development are noted.</p> <p>Under the Minister's Guidelines and Rules (MGR), the proposed change would likely be considered a significant change to the current public notification version of the proposed planning scheme amendment and would therefore require Council to repeat the public consultation period for the proposed amendment.</p> <p>The submission, as it relates to potential changes to level of assessment requirements for cane railway development, may be considered by Council as part of a future planning scheme amendment.</p> <p><u>Proposed Zoning Amendments</u></p> <p>Support for the proposed zoning change to Lot 81 on SP280896 is noted.</p> <p><u>Proposed Mapping Amendment</u></p> <p>Support for the proposed mapping amendments to incorporate the Cordalba to Wallaville cane railway and buffer area is noted.</p> <p><u>Local Heritage Place</u></p> <p>Council acknowledges your concern regarding the inclusion of Isis Central Sugar Mill as a local heritage place in the Bundaberg Regional Council Planning Scheme.</p>

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			<p>Acknowledges that Lot 81 on SP280896 has been included as a proposed zoning amendment to reflect realignment of boundaries between Lot 81 on SP280896 and Lot 3 on AP19360, and concurs with Council's approach.</p> <p><u>Proposed Mapping Amendments</u></p> <p>Acknowledges that the Cordalba to Wallaville cane railway and buffer area has been included in the proposed mapping amendments as per TLPI 2/2018, seeking to protect the cane railway corridor and avoid potential land use conflict, and concurs with Council's approach.</p> <p><u>Local Heritage Place</u></p> <p>Remove Lot 2 on RP78038 from the place card - land includes a railway stockyard and modern concrete sleeper area (nothing of historic significance).</p> <p>Acknowledge that only that part of Lot 2 on RP158560 containing the current office is affected by the requirements for development on a local heritage place.</p> <p>Amend reference to Lot 7 on SP173087 to Lot 1 on SP257664 as former lot description is no longer current.</p> <p>Submission understands reason for identifying local heritage places and retaining the region's history. Submits that this inclusion places ICSM at a disadvantage to the other operating sugar mills when seeking to undertake development.</p> <p>Appreciate explanation why only one of the three operating sugar mills in the region is proposed for inclusion as a local heritage place.</p> <p>To avoid Council creating unfair biases among competitors in the local sugar industry, Council should not add Isis Central Sugar Mill as a local heritage place until all three operating sugar mills can be added at the same time.</p>	<p>In response to your submission, the subject property is proposed to be removed from the local heritage place designation.</p>
M31	Rowlands Road, Burnett Heads	Bundaberg State Development Area (SDA) and Special purpose zone; Zoning	<p>Proposed amendment supported in general terms, particularly recognising the development and subdivision potential of the western 31 hectares of the site.</p> <p>Time is right to also recognise the potential for the remainder of the site to be used for a future urban purpose.</p> <p>SDA likely to result in substantial investment, jobs and development interest in Burnett Heads area. Burnett Heads locality can expect development pressure as the development</p>	<p>Response:</p> <p>The following response is provided to the issues raised in this submission.</p> <p><u>Special purpose zone code - support subdivision for 4,000m2 lots</u></p> <p>Council reaffirms that the proposed amendments seek to reflect the development intent of the Bundaberg SDA Development Scheme, providing for subdivision that –</p>

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			<p>industry looks to seek out opportunities associated with the growth created by the port, marina and other developments.</p> <p>Opportunity to amend planning scheme to recognise large, strategically located landholdings near SDA and nominate them for potential conversion to a future urban purpose.</p> <p>Landholdings could play a supporting role for the SDA, also providing important buffer elements, as well as the orderly delivery of supporting infrastructure in the area.</p> <p>Subject site represents ideal opportunity for conversion to urban purposes in the future. Large, single landholding (industrial uses now anticipated on the western 31 hectares and recently approved RV Lifestyle Village to the east).</p> <p>Three recommendations for Council's consideration:</p> <ol style="list-style-type: none"> (1) Special purpose zone code should be amended to more expressly support subdivision for 4,000m² lots. Important that the intent for the zone is clear. (2) Rezone the eastern portion of Lot 20 on SP234427 from 'rural' to 'emerging community'. <ul style="list-style-type: none"> - Large landholding, redevelopment would be a 'whole of estate' approach - enabling diversity of residential product, integration with surrounding development with regard to connectivity, and coordinated buffer elements to sensitive uses. - Urban development would connect two areas (Special purpose zoned land and RV Lifestyle Village) rather than representing piecemeal urban development. - Fragmentation of existing agricultural activities would be minimal. - Appears to be solutions in order to service the site with urban services. - Appears to be solutions to achieve appropriate flood immunity (e.g. RV Lifestyle development). - While not within the urban footprint, Council have an ability to place the site in the Emerging community zone (e.g. RV Lifestyle development). - Zone does not provide for 'as of right' development, but will recognise that the site may be suitable for future urban 	<ul style="list-style-type: none"> • is consistent with a current approval given by the Coordinator-General under the SDA Development Scheme or the intent for land identified in the Development Scheme; and • maintains or enhances the productive use of rural land within the SDA and avoids its fragmentation until the land is required for infrastructure or industry purposes consistent with the Development Scheme. <p><u>Rezoning eastern portion of Lot 20 on SP23442 to Emerging communities</u></p> <p>Under the Minister's Guidelines and Rules (MGR), the proposed change would likely be considered a significant change to the current public notification version of the proposed planning scheme amendment and would therefore require Council to repeat the public consultation period for the proposed amendment.</p> <p>The submission, as it relates to the rezoning of the eastern portion of Lot 20 on SP234427 may be considered by Council as part of a future planning scheme amendment.</p> <p><u>Amendments to the Central Coastal Growth Area Local Plan</u></p> <p>Under the Minister's Guidelines and Rules (MGR), the proposed change would likely be considered a significant change to the current public notification version of the proposed planning scheme amendment and would therefore require Council to repeat the public consultation period for the proposed amendment.</p> <p>The recommendation, as it relates to recommended amendments to the Central Coastal Urban Growth Area Local Plan and supporting mapping to reflect the non-SDA portion of Lot 20 on SP234427 may be considered by Council as part of a future planning scheme amendment.</p>

Ref	Property Address	Key Issue/s	Submission Summary	Response
			<p>purposes, subject to detailed structure planning and assessment of existing services.</p> <p>(3) Amendments to the Coastal Urban Growth Area Local Plan:</p> <ul style="list-style-type: none"> - Include the non-SDA portion of Lot 20 SP234427 within the "area subject to coastal urban growth area Local Plan" on Figure 7.2.1. - Nominate the non-SDA portion of the site as a residential area on Figure 7.2.1. - Amend the buffer element of Figure 7.2.1 to indicate an 'acoustic and amenity buffer' between the special purpose zone to the west and an 'agricultural land buffer' to the rural land to the south. 	
M32	River Road, Fairymead	Bundaberg State Development Area (SDA) and Special purpose zone	<p>Concern regarding being classified as a 'Rural Buffer Zone' in the SDA and now proposing Special purpose zoning.</p> <p>Seeks additional information on the following:</p> <ul style="list-style-type: none"> • Activities allowed as of right or with consent in the Special purpose zone. • Activities not allowed in the Special purpose zone. • Rating zone formula for the Special purpose zone. 	<p>Response:</p> <p>The subject land has been retained in the Special purpose zone under the proposed planning scheme amendment.</p> <p>Reasons:</p> <p>Council acknowledges your concern regarding the Special purpose zoning and provides the following information.</p> <p>The subject property is currently located in the Rural zone under the Bundaberg Regional Council Planning Scheme 2015. Under the Bundaberg State Development Area (SDA) Development Scheme 2017 the subject property is located in the Rural uses precinct.</p> <p>As such, development involving a material change of use of land in the Bundaberg State Development Area (SDA) is regulated by the State Government under the Bundaberg State Development Area Development Scheme 2017.</p> <p>The Queensland Government's 'Response to landholders frequently asked questions' information sheet (copy attached), provides guidance for what material change of use development in the Bundaberg SDA includes (e.g. building a dwelling house, building for commercial purposes, intensification of rural uses).</p> <p>In this regard, it is advised to contact the Office of the Coordinator General (1800 001 048) to seek guidance regarding what activities can be undertaken on the subject property in the Rural uses precinct.</p> <p>Within the SDA, Council's planning scheme only regulates development for reconfiguring a lot, operational work and building work. This has been the</p>

Ref	Property Address	Key Issue/s	Submission Summary	Response
				<p>case since the Bundaberg SDA Development Scheme came into effect in December 2017.</p> <p>The proposed zoning change does not affect this, but largely seeks to highlight the different controls already in place within the Bundaberg SDA.</p> <p>Ultimately, the proposed Special purpose zoning and supporting Special purpose zone code are necessary to ensure that future development regulated by Council's planning scheme is consistent with the SDA development scheme and complements the role of the Bundaberg Port.</p> <p>Any impact in property rates should be limited given the zoning change only serves to reflect the Bundaberg SDA which was declared by the State in February 2017.</p>
M33	Marina Drive, Burnett Heads	Bundaberg State Development Area (SDA) and Special purpose zone; Zoning	Submission would like the subject property to be assessed as the Industry zone, better suiting usage and location.	<p>Response:</p> <p>Council has reviewed the recently revised Port land holdings map (dated September 2019). The revised mapping identifies that the land described as Lot 318 on SP279707 has now been excised from Strategic Port Land.</p> <p>In the current Bundaberg Regional Council Planning Scheme 2015, Table 1.7.1.1 (Strategic port land zones) provides a deemed planning scheme zone in the circumstance where land is excised from Strategic Port Land.</p> <p>In this table, the subject property, formerly located in the Marine industry precinct under the Port of Bundaberg Land Use Plan, would now assume an industry zoning under the planning scheme.</p> <p>As such, Council considers that the subject property would be more appropriately located in the Industry zone.</p>

SUMMARY OF SUBMISSIONS - AMENDMENT NO. 6 (QUALIFIED STATE INTEREST – MON REPOS/ SEA TURTLE AMENDMENT)

Ref	Submission Summary	Response
Q01	PO4 and AO4.2 of the Sea turtle sensitive area overlay code requires all windows to be shielded with external fixed louvres. This suggests that every window on all sides of the house are to be shielded with external fixed louvres, which is not ideal.	The outcomes included at PO4 and AO4.2 of the proposed Sea turtle sensitive area overlay code (re: shielding of windows with fixed external louvres) are consistent with the State Government's Model Code for Sea Turtle Sensitive Areas. If adopted, these outcomes would not apply to the construction of a dwelling house on the subject lots in Shelley Street, Burnett Heads. It is noted that these outcomes would only apply to assessable development. Further, the acceptable outcome provides one way (i.e. is not necessarily the only way) to achieve compliance with the performance outcome. In light of the above, no changes have been made to the proposed amendment in response to the matters raised in this submission.
Q02	The current controls over land at Shelley Street, Burnett Heads should remain in place, as per TLPI 1/2018, Limited Development zone, Precinct LDZ2 (Mon Repos Turtle Conservation Area), for the following reasons: <ul style="list-style-type: none"> to ensure an appropriate level of protection for nesting sea turtles; less development will keep artificial lights, light glow and noise to a minimum; to minimise traffic, retain views and keep wildlife (kangaroos); to keep house prices up, not declining; and the protection of turtles is important for tourism, local businesses and the region's economy. 	Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.
Q03	Supports the proposed zoning and precinct (2000m ²).	Noted.
Q04	Supports the proposed amendments and removal of the TLPI that relates to the lots in Shelley Street, Burnett Heads. The amendments protect the environment and still support controlled development.	Noted.
Q05	Supports the proposed amendments and removal of the TLPI that relates to the lots in Shelley Street, Burnett Heads. Believes the TLPI is not justified, and that the amendments protect the environment and still support controlled development.	Noted.
Q06	Does not approve of the proposed change to the zoning of land at Shelley Street to the Rural residential zone, Precinct RRZ1, which would allow for subdivision into minimum 2000m ² lots. Based on this minimum lot size the 5 acre lots in Shelley Street could be subdivided into 10 lots, which would create a total of 100 extra houses. This development is not in the interest of protecting the sea turtles or the Mon Repos Conservation Park. Supports the TLPI 1/2018 which maintains the 5 acre lot size.	Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.
Q07	Does not approve of the proposed change to the zoning of land at Shelley Street to the Rural residential zone, Precinct RRZ1, which would allow for subdivision into minimum 2000m ² lots. Based on this minimum lot size the 5 acre lots in Shelley Street could each be subdivided into 10 lots, which would create a total of 100 extra houses and 200 additional cars. Also concerned that	Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further

Ref	Submission Summary	Response
	<p>without reticulated sewerage, sewerage run-off will infiltrate the water table and impact drinking water.</p> <p>This development is not in the interest of protecting the sea turtles, the Mon Repos Conservation Park and the Great Barrier Reef, and will impact on the new Mon Repos turtle centre.</p> <p>Supports the TLPI 1/2018 which maintains the 5 acre lot size.</p>	<p>details on how Council has considered and dealt with properly made submissions.</p>
Q08	<p>Does not approve of the proposed change to the zoning of land at Shelley Street to the Rural residential zone, Precinct RRZ1, which would allow for subdivision into minimum 2000m² lots. Based on this minimum lot size the 5 acre lots in Shelley Street could each be subdivided into 10 lots, which would create a total of 100 extra houses and 200 additional cars. Also concerned that without reticulated sewerage, sewerage run-off will infiltrate the water table and impact drinking water.</p> <p>This development is not in the interest of protecting the sea turtles, the Mon Repos Conservation Park and the Great Barrier Reef.</p> <p>Supports the TLPI 1/2018 which maintains the 5 acre lot size.</p>	<p>Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.</p>
Q09	<p>Opposed to the proposed zoning change for the following reasons:</p> <ul style="list-style-type: none"> • the proposed changes will allow minimum lot sizes of 2000m² and 800m², which could add 100 plus dwellings – this will have major negative impacts on sea turtles through night glow, stormwater and septic runoff (which will also impact the aquafer and drinking water), pollution and increase in domestic animals; • further development in this area will affect local wildlife (kangaroos, echidnas and birdlife) and will impact the environmental values and turtle nesting at Mon Repos Conservation Park, which will impact the local tourism economy and flow on employment, accommodation, restaurants and shops • urban development in Burnett Heads should focus on the Centre, Marinas & Port. <p>Recommends that the proposed amendment be dropped, and the lots in TLPI 1/2018 be included in the Rural and Landscape Protection Area, retaining the rural character and wildlife corridor. If changes were to be considered, the minimum lot size should be 10,000m².</p>	<p>Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.</p>
Q10	<p>Concerns summarised below:</p> <ul style="list-style-type: none"> • 60-80 new dwellings; • Increase in traffic; • Decrease in house prices; • Wildlife, peace and quiet, and views gone; • Concern regarding turtle protection – increase in housing will result in more lighting which will affect turtles and tourism to the new turtle centre; • No development. 	<p>Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.</p>
Q11	<p>Concerns summarised below:</p> <ul style="list-style-type: none"> • 60-80 new dwellings; 	<p>Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached</p>

Ref	Submission Summary	Response
	<ul style="list-style-type: none"> • Increase in traffic; • Decrease in house prices; • Wildlife, peace and quiet, and views gone; • Concern regarding turtle protection– increase in housing will result in more lighting which will affect turtles and tourism to the new turtle centre; • Not in the interests of the Burnett Heads - one house per 5 acres full stop. 	<p>Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.</p>
Q12	<p>Objects to proposal to reduce the 5 acre blocks to 2000m², for the following reasons:</p> <ul style="list-style-type: none"> • while you need development for communities to grow, this should not be at the expense of World Heritage endangered turtles; • the turtles would be greatly disturbed by light glow and noise from the proposed housing – this lighting cannot possibly be policed; • need to ensure protection of the environment and world heritage turtles for future generations; • the proposed amendments are contrary to the protection declared for this area a year ago; • this area is also home to other wildlife, including kangaroos, birdlife, lizards and echidna; • Concerns regarding increased traffic and associated noise and dust, including from construction activity, also noting the amount of rock in this area. • Concerns regarding impact on property value (will devalue land) due to increased traffic, noise and loss of serenity. 	<p>Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.</p>
Q13	<p>Submission on behalf of landowners (Mr Neil Campbell & Ms Adele Hakala).</p> <p>Generally supports the amendment as it addresses the issues required to be dealt with under the TLPi and provides options for development of Shelley Street, Burnett Heads.</p> <p>Grounds of submission summarised below:</p> <ul style="list-style-type: none"> • Part 5 - Supported as it ensures that development in the sea turtle sensitive area is assessed against the code without requiring higher levels of assessment. • Part 7 - Mapping change supported. • Part 8 - <ul style="list-style-type: none"> - <u>Performance outcome PO2</u> - If the purpose of the provision is to minimise the brightness/luminance of outdoor lighting an acceptable outcome nominating a level is recommended to provide further guidance as to what may be acceptable at this instance. - <u>Acceptable outcome AO4</u> - providing a definition of 'coast' would assist in compliance with this provision, providing guidance for when and where this applies in the design and construction of a dwelling. - <u>Acceptable outcome AO5</u> - provision does not specify the locational requirements of where landscape buffers will be required. Provisions for assessment of when buffering is required is non-specific and subject to interpretation where visible to the beach or ocean. - 60-80 metres of public land (road reserve) and Council owned land between the beach and subject property providing opportunity for Council to provide landscaping to achieve the outcome sought in the code. - Clarify this provision so that it only applies to land parcels directly adjoining the beach. 	<p>Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.</p>

Ref	Submission Summary	Response
	<ul style="list-style-type: none"> - If provision to remain, consider including a minimum 5 metre depth to provide more guidance for the planning and structure of landscaping identified in the acceptable outcome. • Part 9 - Advertising device code and Nuisance code changes supported. • Zoning/Mapping - Proposed zoning considered most appropriate for property. Zoning/precinct change provides options for development for low density residential purposes. Provides an appropriate balance between the ongoing development of the locality and the protection of Mon Repos Regional Park. 	
Q14	The southern part of Burnett Heads should remain 'as is', i.e. largely undeveloped. The proposed amendment will result in development that will impact the charm and quietness of the area, and wildlife (kangaroos, birds), which attract tourists along the Turtle Trail.	Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.
Q15	The land at Shelley Street, Burnett Heads should remain 'as is', i.e. 5 acre lots, not subdivision into 2000m ² lots. Extra houses in this area will result in additional lights, street lights and traffic. Ripple Street should not be used as a thoroughfare.	Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.
Q16	Does not approve of the proposed change to the zoning of land at Shelley Street to the Rural residential zone, Precinct RRZ1, which would allow for subdivision into minimum 2000m ² lots. Based on this minimum lot size the 5 acre lots in Shelley Street could be subdivided into 10 lots, which would create a total of 100 extra houses. This development is not in the interest of protecting the sea turtles or the Mon Repos Conservation Park. Supports the TLPI 1/2018 which maintains the 5 acre lot size.	Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.
Q17	Does not approve of the proposed change to the zoning of land at Shelley Street to the Rural residential zone, Precinct RRZ1, which would allow for subdivision into minimum 2000m ² lots. Based on this minimum lot size the 5 acre lots in Shelley Street could be subdivided into 10 lots, which would create a total of 100 extra houses. This development is not in the interest of protecting the sea turtles or the Mon Repos Conservation Park. Supports the TLPI 1/2018 which maintains the 5 acre lot size.	Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.
Q18	Supports the proposed amendment. Council's efforts to conserve sea turtles are commendable.	Noted.
Q19	Concerns that the proposed amendment may not adequately address the need to lower urban glow, and could make the current situation worse. The current conditions in the TLPI for lots on Shelley Street were supposed to be addressed by the proposed amendment. The proposal to allow these 2ha lots to be subdivided into 2000m ² lots will require additional street lighting and will dilute the conditions imposed by the TLPI. The lot size should at least be increased to 5000m ² .	Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.

Ref	Submission Summary	Response
	<p>The amendment does not include conditions for domestic lighting, which currently apply under the TLPI. This is a backwards step given these conditions were in the previous Burnett Shire Planning Scheme.</p> <p>The amendments should provide the community necessary information and include controls to limit lighting on all future development including dwelling houses in the Turtle Sensitive Zone. The amendments should complement the excellent work currently being done by Council through the Reducing Urban Glow project.</p>	
Q20	<p>The Sea Turtle Amendment is commended, however the TLPI does not address the potential for increased light glow from buildings above 2 storeys in height. The proposed changes should incorporate controls to limit building height preferably to no more than 3 storeys for the whole coastal area. The maximum building height in the planning scheme benchmarks should not be negotiable. Further, the Sea turtle sensitive area is only a narrow strip and should be expanded to include light controls for all of the coastal urban area.</p>	<p>Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.</p>
Q21	<p>Provides in principle support for the amendments.</p>	<p>Noted.</p>
Q22	<p>The 2000m² lots is a good compromise. While this is a much better outcome than the smaller lots permitted under the Emerging community zone, a larger lot size of 4000m² would be preferable to reduce density and help address environmental requirements. Lighting and sewerage treatment systems should be strictly controlled in this area, and roads and drainage should be upgraded as part of future subdivisions to cater for additional traffic and to improve the area.</p>	<p>Support for the proposed amendment is noted. Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.</p>
Q23	<p>The amendment is supported. However, the sea-turtle overlay should be supported by a mandatory lighting code developed in consultation with the local experts.</p>	<p>Support for the proposed amendment is noted. Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.</p>
Q24	<p>Strongly opposes the development of land on Shelley Street, Burnett Heads – development in this area will affect turtles and all wildlife. The amendments propose to 'minimise' impacts to sea turtles – there should be no impacts on turtles.</p>	<p>Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.</p>
Q25	<p>Supports the proposed amendment, with the following exceptions –</p> <ul style="list-style-type: none"> • The ocean frontage of each 5 acre lot should be limited to 1 dwelling house on a 4500m² lot. This would limit the number of dwellings directly fronting the foreshore, and would itself provide a buffer to the 2000m² lots. • 3000m² lots would be more appropriate for environmental reasons, but can accept 2000m² along the Shelley Street frontage. 	<p>Support for the proposed amendment is noted. Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.</p>

Ref	Submission Summary	Response
	This would limit lighting impacts and environmental damage from additional people and pets, and from malfunctioning waste treatment systems.	
Q26	Objects to the proposed amendment. The proposal to allow land at Shelley Street to be subdivided will increase the amount of housing, which will increase light pollution that will affect turtles. This will also compromise the new turtle centre and tourism, which will affect the local economy. Locals are proud to have one of the best turtle beaches and the best turtle centre in Australia, which should be protected.	Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.
Q27	<p>Supports the proposed amendment, with the following exceptions –</p> <ul style="list-style-type: none"> • The ocean frontage of each 5 acre lot should be limited to 1 dwelling house on a 4500m² lot. This would limit the number of dwellings directly fronting the foreshore, and would itself provide a buffer to the 2000m² lots. • 3000m² lots would be more appropriate for environmental reasons, but can accept 2000m² along the Shelley Street frontage. <p>This would limit lighting impacts and environmental damage from additional people and pets, and from malfunctioning waste treatment systems.</p>	Support for the proposed amendment is noted. Following consideration of the matters raised in this submission (and other submissions about the proposed amendment), Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.
Q28	<p>Submission objects to the proposed change to the zoning of land at Shelley Street to the Rural residential zone, Precinct RRZ1. In addition to the issues raised in this submitters other submission (Ref. Q07), this submission also outlined concerns over who will be policing lighting from the additional houses in this area.</p> <p>This submission included a petition with 46 signatures from residents of Burnett Heads who are against the proposed amendment and totally oppose changing the land at Shelley Street for subdivision, as it will have a detrimental effect on the turtle population.</p>	Following consideration of the matters raised in this submission, and the petition objecting to the proposed amendment, Council has decided to proceed with the amendment as placed on public display. The attached Consultation Report includes the reasons for this decision, and further details on how Council has considered and dealt with properly made submissions.

Submission M01

CEO
Bundaberg Regional Council
PO Box 3130
Bundaberg Qld 4670
27th September, 2019

Attention
Evan Fritz
Manager Strategic Planning

Re: Proposed Planning Scheme Amendment

Dear Mr Fritz

We are the owners of [REDACTED] Burnett Heads.

We support the zone change to "**Local Centre**" for our properties.

On the plans provided in Council's letter dated 17th September, 2019, the Port Land directly opposite [REDACTED] is identified as **Burnett Heads Marina site** on the Central Urban Growth Area Structure Plan Concept, but as **Community Facilities** on the Planning Scheme Amendment number 5. We note that the same land is identified on Gladstone Port Corporation's Land Use Plan as **Future Investigation**.

It is difficult to see that a potential developer of the Burnett Heads **Local Centre** zoned properties would make any commitment unless some certainty existed about the future of the Port Land from Moss Street east to Kelly Street. Our strong opinion is that this land, which is barely above high tide even now, should be reserved for boating purposes, conservation and parkland only. Given the current data available on projected rises in sea level, and the vulnerability to storm surge, it would be irresponsible to consider residential development in this area, particularly as there is an abundance of more suitable sites available.

Regards,

[REDACTED]
Burnett Heads Qld 4670
[REDACTED]



Submission comments

I am expressing my concerns about my land at [redacted] described as [redacted] in relation to the re-zoning of my land to Special Purpose.

I have owned the land at the above address for 30 years and planning for retirement which would eventually lead to building a residential home on this land.

My concerns are that now with Special purpose zoning this may not be possible as I would like to know the following information on how special purpose zoning will effect me personally.

1: What is allowed to be built under special purpose zoning ?
2: Will special purpose zoning increase my rates and if so by how much ?

I would appreciate any additional information that can be given to assist me in better understanding of the rezoning to Special Purpose and what my land will be able to be used as under this Special Purpose Zoning.

Kind Regards

[redacted]

Submission M02

Thank you for taking the time to provide your feedback.

Submit via email

PRIVACY NOTICE: Bundaberg Regional Council is collecting the personal information you supply on this form for the purpose of receiving a 'properly made' submission on the proposed amendments to the Bundaberg Regional Council Planning Scheme. Some of the information may be provided to the Department of State Development, Manufacturing, Infrastructure and Planning for the purpose of providing a summary of matters raised in submissions. Your personal details will not be disclosed to any other person or agency external to Council without your consent you have given Council permission to do so, or we are required by law.

Submission M03

[REDACTED]
Bundaberg Q. 4670

15TH October 2019

The Chief Executive Officer,
Bundaberg Regional Council,
Bourbong Street,
BUNDABERG, QLD. 4670

Attention: Evan Fritz

Dear Sir,

**RE: Proposed amendment to the Bundaberg Regional Council
Planning Scheme;**

[REDACTED] FAIRYMEAD, described as [REDACTED]

We refer to your letter dated 18 September 2019 regarding the proposed amendment .

We have read the information supplied by Mr Evan Fritz on this matter and we object to the re zoning of our land for the following reasons:-

- If we want to make changes in the future to our property, we will need the permission of the SDA even before it goes to Council.
- We have also noted that any change will have to fall in line with any future plans the SDA have for this area.
- The Coordinator General also has the power to acquire land under this new zone, as stated in our letter 19 July 2016 [REDACTED] [REDACTED] Fairymead. We raised our concerns then and also at the meeting. We were advised that nothing would change but this does not appear to be the case.
- The re zoning will devalue our investment on resale as a future buyer will not want to invest in property that comes under these SDA rules.
- The change will also give the SDA power to alter rates and whatever to suit themselves.

We request assurance that these concerns will not apply to our property in the future before we agree to changing of the zones as we would be satisfied if you left our property as rural ie the present zone.

Regards

[REDACTED]

Submission M04

My name is ###. My wife and I currently own a property described #####, Kalkie RP##### and falls under your proposed amendment to the Bundaberg Council Planning Scheme.

After talking with Evan Fritz regarding the matter my wife and I fully support your Proposed Amendment as per detailed on plan figure 7.2.2 Kalkie Ashfield Local Development Area Structure Plan Concept.

Submission M05

From: Authority.Notifications@bundaberg.qld.gov.au
To: [Evan Fritz](#)
Subject: CRM Task Created for Planning General - All Areas [REDACTED]
Date: Thursday, 3 October 2019 9:09:32 AM

A new CRM task has been created.

[Click here to open the task in Online Services](#)

Details	
Request Number	[REDACTED]
Customer Reference	[REDACTED]
Category Description	Planning General - All Areas
Description of Request	<p>Submitted on 3 Oct 2019 - 8:48am Submitted by anonymous user [REDACTED] Submitted values are: Subject: Proposed amendment to the Bundaberg Regional Council Planning Scheme; [REDACTED] Bundaberg North Your Name: [REDACTED] Contact Number: [REDACTED] Email Address: [REDACTED] Category: General request, issue or complaint Details: Attention Mr Evan Fritz re the proposed Planning Scheme Amendment for [REDACTED] Bundaberg North, [REDACTED]. My wife and I, as occupants of the above address, would welcome and support the proposed amendment making our property a low density residential area rather than constrained land. This is fair as it is in keeping with the zoning for the other properties on the same street. We are at exactly the same level as the house across the street and could not see why previously there was a difference in our zoning. Many thanks for the new proposal. The results of this submission may be viewed at: https://www.bundaberg.qld.gov.au/node/[REDACTED]</p>
Location	[REDACTED] BUNDABERG NORTH QLD 4670
Customer	
Name	[REDACTED]
Address	[REDACTED] BUNDABERG NORTH QLD 4670
Home Phone	[REDACTED]
Home	[REDACTED]

Submission M06

From: [REDACTED]
To: [BRC CEO Incoming](#)
Subject: Amendment to BRC Planning Scheme
Date: Monday, 7 October 2019 12:02:51 PM

Herewith is my submission in reply to proposed amendment to BRC 's planning scheme indicating a change of zone for my properties.

While I can understand BRC wanting to ensure it correctly aligns with State Development Area requirements, I question to the necessity at this point in time to change my zoning from Rural residential to Special purpose. What exactly does Special purpose mean?

I fear this change promotes uncertainty and could lead to falling land values and unsalable property. It could be interesting to look at the Port now and how much it could expand without the need for zoning change.

As a port it's main function is to receive ships to load/unload a commodity and facilitate transfer of that product via other transport to end users off site. At present the Port receives around 27 ships a year or 1 per fortnight. Even with 5 times that amount the only changes to the Port would possibly entail additional wharf infrastructure and load/unload facilities.

Within the immediate Port area there is ample vacant land to support another 2 Knauf sized factories and other enterprises. Not to mention the vast area across the river.

I would hope BRC puts the zone changes on hold and wait for some positive action (not hype) from State government.



Submission comments

We are in support of the proposed amendments for the following reasons-

- they allow greater flexibility for land use and future development
- revised heights will not impact surrounding residential areas
- increased density in the commercial precinct will consolidate the hub
- increased density in the commercial precinct will be complimentary to endeavors of the port precinct
- the changes allow facilitating for future population growth
- the proposed amendments are an acceptable land use outcome that will stimulate local business
- the amendments will build on the investment recently made by Local Bundaberg Council to gentrify Burnett Head's town centre

well done BRC on your initiative to keep promoting positive and sustainable growth by seeking to incorporate these amendments.

Submission M07 - M11

Thank you for taking the time to provide your feedback.

Submit via email

PRIVACY NOTICE: Bundaberg Regional Council is collecting the personal information you supply on this form for the purpose of receiving a 'properly made' submission on the proposed amendments to the Bundaberg Regional Council Planning Scheme. Some of the information may be provided to the Department of State Development, Manufacturing, Infrastructure and Planning for the purpose of providing a summary of matters raised in submissions. Your personal details will not be disclosed to any other person or agency external to Council without your consent you have given Council permission to do so, or we are required by law.

Submission M12

As owners of ### Kalkie, we are pleased to agree with the proposed rezoning. Also, we would like to enquire if Council would react favourably to possible redevelopment of our landholding to 4,000 m² allotments.

Submission M13

From: [REDACTED]
To: [Evan Fritz](#)
Cc: [REDACTED]
Subject: GC19-115-T01 Council proposed listing of Bundaberg Walkers Engineering land at No.4 Gavin Street, Bundaberg North as a 'Local Heritage Place'
Date: Tuesday, 15 October 2019 2:13:44 PM
Attachments: [GC18-137-T01 Objection to proposed Local Heritage Place listing - Bundaberg Walkers Engineering Gavin Street Bundaberg North.msg](#)

Dear Evan

By attached submission dated 31 August 2018, this consultancy objected to Council listing Bundaberg Walkers Engineering (the Foundry) land at No.4 Gavin Street, Bundaberg North as a 'Local Heritage Place' under the Bundaberg Regional Council Planning Scheme 2015. That objection stands. [REDACTED] has now engaged this consultancy to review other land development ramifications that could flow from Council's proposal to list the Foundry property as a 'Local Heritage Place'.

We have considered the proposed change in the context of the existing and the proposed Planning Scheme tables of assessment and the provisions contained in the Heritage and Neighbourhood Character Overlay Code. Our earlier view that the listing will prejudice the operational efficiency (and potentially the viability) of the Foundry has been reinforced by this assessment.

The facts and circumstances that support our conclusion are-

1. With respect to development on the land that is a material change of use-
 - a. Inclusion of the land as a local heritage place will introduce a layer of subjective, qualitative obligations which create an uncertain development assessment landscape and therefore an uncertain investment landscape (refer our attached submission dated 31 August 2018 to Council);
 - b. Inclusion of the land as a local heritage place will obstruct the introduction of complementary uses to the subject land (ibid).
2. With respect to development on the land that is a lot reconfiguration, Table 5.5.1 Reconfiguring a Lot of the Planning Scheme currently makes a boundary realignment code assessable development. Pursuant to Table 5.9.1 Overlays of the Planning Scheme, inclusion of the land as a local heritage place will now also make a boundary realignment code assessable development against the Heritage and Neighbourhood Character Overlay Code. This might not ordinarily translate into a burden upon an applicant were it not for the fact that the subject land is comprised of thirty four (34) titles. Consequently whenever the Foundry elects to undertake a boundary realignment or create an additional lot (perhaps for operational purposes, purposes for financing purposes, perhaps for building setback to boundary purposes), the local heritage place listing will unnecessarily and unreasonably introduce a layer of assessment that does not presently exist. Whenever the Foundry elects to introduce an access easement over one or more of its thirty four lots, the consequential lot reconfiguration application will unnecessarily and unreasonably introduce a layer of assessment that does not presently exist.
3. With respect to development on the land that is building work, Table 5.6.1 Building Work of the Planning Scheme currently makes building work not associated with a material change of use accepted subject to requirements. Pursuant to Table 5.9.1 Overlays of the Planning Scheme, the same building work will now trigger a code assessable development application which will be considered against the provisions of the Heritage and

Neighbourhood Character Overlay Code. Whereas the present situation is that this building work does not trigger a development application assessable against the nominated part of the Planning Scheme, inclusion of the land as a local heritage place will now necessitate the preparation and lodgement of a development application under the Planning Scheme. Again this is considered to be an unnecessary and unreasonable burden upon Bundaberg Walkers Engineering.

4. With respect to development on the land that is operational work, Table 5.7.1 Operational Work inter alia makes reconstructing an internal driveway (where earthworks exceed 50 cubic metres) code assessable development. Pursuant to Table 5.9.1 Overlays of the Planning Scheme, the same operational work will now also be code assessable development against the Heritage and Neighbourhood Character Overlay Code. Again this is considered to be an unnecessary and unreasonable burden upon Bundaberg Walkers Engineering.

Quoting from our submission of 31 August 2018-

Amending the Planning Scheme to include the site of a significant industrial activity as a local heritage place will always introduce greater opportunity for negative flow on effects than would the inclusion of a dwelling or a commercial building or a public place. In the case of Bundaberg Walkers Engineering, it unnecessarily introduces an obstacle to future industrial, employment-generating development. In a depressed economic region, the expansion of the manufacturing base should be encouraged by streamlining the process for commencing a new (and/or regenerating an existing) industry. For those reasons already advanced, the proposed listing of the Bundaberg Walkers Engineering as a local heritage place will have the opposite effect.

As noted by [REDACTED], the foundry also needs to retain the ability to respond immediately to international market nuances and damaging flood events. Whereas that ability exists under the current planning regime, the proposed change to the Planning Scheme will frustrate that ability.

[REDACTED] objects to the proposed inclusion of Bundaberg Walkers Engineering, No.4 Gavin Street, Bundaberg North as a 'Local Heritage Place' under Bundaberg Regional Council Planning Scheme 2015. Our client requests that Council not proceed with the proposed listing. To the extent that Council prefers to retain the subject land in this listing, we ask that our client be given the opportunity to present its case to full Council.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Our ref: [REDACTED]
Council ref: [REDACTED]

31 August 2018

The Chief Executive Officer
Bundaberg Regional Council
Bourbong Street
BUNDABERG QLD 4670

Attention : Mr E Fritz, Manager Strategic Planning

Dear Evan

Proposed Listing under Bundaberg Regional Council Planning Scheme 2015 of Bundaberg Walkers Engineering (No.4 Gavin Street, North Bundaberg) as a Local Heritage Place

I refer to our recent discussion regarding the above matter.

At its Ordinary Meeting of 21 August 2018, Council resolved to make amendments to the Bundaberg Regional Council Planning Scheme 2015 (the Planning Scheme). The package of amendments included *inter alia* the inclusion of Bundaberg Walkers Engineering (the foundry) as a local heritage place. This consultancy has been instructed by [REDACTED] to object to the proposed listing. Our submission considers-

1. The current development assessment status in relation to the subject land.
2. The probable development assessment status in relation to the subject land should the property be listed as a local heritage place.
3. The possible operational ramifications should the property be listed as a local heritage place.

In making this submission, we are aware that the proposed amendments have not commenced the statutory public notification process. The reasoning behind this early representation is to place before Council our client's concerns regarding the potential impact of the proposed listing. There is a degree of urgency in communicating these concerns due to the uncertainty the proposed listing introduces for further investment in the subject land.

Current Development Assessment Status

The Bundaberg Walkers Engineering site is composed of a number of titles which are all zoned 'Industry'.

The Planning Scheme defines a foundry as 'High impact industry'.

.../2

- 2 -

'Table 5.4.9 Industry Zone' of the Planning Scheme, in concert with the 'Definitions' provided in the Planning Act 2016, informs us that a material change in the intensity or scale of the existing foundry is code assessable development. The code assessable development application would be assessed against the Industry Zone Code, Landscaping Code, Nuisance Code, Transport & Parking Code, Works Services and Infrastructure Code and the Industry Uses Code.

Table 5.4.9 also identifies the level of assessment of other land uses. Bulk landscape supplies, Low impact industry, Marine industry, Medium impact industry, Research and technology industry, Service industry, Transport depot and Warehouse are all activities whose level of assessment is 'Accepted subject to requirements'. Consequently, the establishment of any of these industries on the subject land very probably would not trigger a development application process.

Probable Development Assessment Status with the Listing

In the event that the foundry is included as a local heritage place, there are two immediate impacts viz-

1. Impact to any development application to make a material change to the intensity or scale of the foundry.
2. Impact to the establishment of any allied or other industrial activity (specifically the aforementioned uses).

Foundry

A local heritage place listing would retain the code assessment level for additions to the foundry but introduce the 'Heritage and neighbourhood character overlay code' as part of the assessment regime. Why is that?

Council proposes to amend the 'Planning scheme policy for the heritage and neighbourhood character overlay code' by including *inter alia* the foundry and associated place card. A corollary to this will be an amendment to the 'Heritage and neighbourhood character overlay map'.

'Table 5.9.1 Assessment Benchmarks for Overlays' informs us that a '*material change of use involving a local heritage place as identified on a Heritage and neighbourhood character overlay map*' is code assessable development and will be assessed against the 'Heritage and neighbourhood character overlay code'. The 'Heritage and neighbourhood character overlay code' introduces a number of requirements that an application is not presently exposed to including (but not limited to)-

1. Development is undertaken in accordance with the Australian ICOMOS Charter for Places of Cultural Significance (Burra Charter). (Acceptable Outcome AO1)
2. Development is compatible with a conservation management plan prepared in accordance with the Australian ICOMOS Charter for Places of Cultural Heritage (Burra Charter). (Acceptable Outcome AO4.1)

.../3

- 3 -

3. The scale, location and design of the development are compatible with the character, setting and appearance of the local heritage place. (Acceptable Outcome AO5.1)
4. An archaeological investigation is carried out for development on a local heritage place involving a high level of surface or sub-surface disturbance. (Acceptable Outcome AO6.2)

The 'Heritage and neighbourhood character overlay code' therefore introduces subjective, qualitative obligations which create an uncertain development assessment landscape. An uncertain assessment landscape (and we should say a more costly assessment landscape), is an obstacle to investment. It is our client's concern that the listing of Bundaberg Walkers Engineering as a local heritage place will obstruct future growth of the foundry.

Other Uses

A local heritage place listing will introduce two obstacles, that do not presently exist, to the establishment of the aforementioned uses viz-

1. Whereas the uses identified above do not, in the normal course of events, presently trigger the preparation and lodgement of a material change of use development application, the proposed local heritage place listing will make these uses code assessable. This of-course will remove an incentive to locate the nominated uses on the subject site which will bear upon the attractiveness of the property to the market. An unintentional consequence of the proposed listing is that the market acceptance and therefore value of the subject land relative to other land included in the 'Industry' zone will diminish.
2. The material change of use development application for the nominated uses will expose the proposed developments to the uncertainties of Australian ICOMOS Charter for Places of Cultural Heritage (Burra Charter), preferred building design and potentially an archaeological investigation.

It is also our view that the imposition of these constraints upon a significant industrial activity conflicts with the Planning Scheme's 'Economic Development Theme' in the Strategic Framework. By way of example, Section 3.4.1 Strategic Outcomes envisages the following-

(h) The Bundaberg Region has a range of industry and enterprise areas predominantly focussed around rural service industries and manufacturing services. The clustering, co-location and consolidation of industrial development in discrete areas minimises land use conflicts and maximises utilisation of development infrastructure. The industry and enterprise areas provide diverse and rewarding employment opportunities in safe, convenient and accessible locations throughout the region and contribute to regional job self-containment.

(i) The expansion of key industry and enterprise sectors takes advantage of the Bundaberg Region's strategic location between the Surat Basin and the industrial hub of Gladstone to provide support to the logistics and supply chains servicing mining activities and leverage localised employment growth and diversification from the expanding minerals and energy sector.

.../4

- 4 -

Relevantly, 'Section 3.4.2 Element 2 – Industry and Enterprise Areas' of the Planning Scheme specifically identifies the Bundaberg Walkers Foundry as a location where Council can 'maintain and build on a history of manufacturing, research and technology industry in North Bundaberg.'

In order to achieve these outcomes, expansion of the region's manufacturing base should be facilitated rather than frustrated. The introduction of another layer of assessment, and particularly a layer where the development parameters are not defined, measurable and quantitative, is counter-productive to building a more diverse, resilient economic base.

Possible Operational Ramifications

We have already mentioned that the proposed local heritage listing introduces obstacles to both the expansion of the foundry and the introduction of allied and other industries to the foundry. Beyond this, [REDACTED] has advised of the following complications that the proposed local heritage place listing could introduce to the foundry operation.

Bundaberg Walkers faces many challenges especially in its export markets from competitors operating in countries with low cost bases and little regulation. The ability of Bundaberg Walkers to adapt quickly and to make changes to site infrastructure, operations and processes is critical to maintaining a successful ongoing business. The proposed listing as a Local Heritage Place would place an unnecessary additional impediment to this process.

Additionally, Bundaberg Walkers Engineering is located in a flood prone area and while flood mitigation and protection measures have been implemented, a significant risk remains. During the 2013 floods, it was necessary to carry out emergency repairs and reconstruction in order to allow the business to recommence operations. Some of the repairs required rebuilding and upgrading of existing structures and equipment. This process was uncomplicated under the current Planning Scheme arrangements and anything that might complicate recovery from such events could jeopardise ongoing viability.

From an operational perspective, [REDACTED] needs to retain the unconstrained ability to respond immediately to two sets of external influences – global market conditions and natural hazards. The current Planning Scheme provides this flexibility – the proposed change to the Planning Scheme will diminish this flexibility.

Conclusion

Amending the Planning Scheme to include the site of a significant industrial activity as a local heritage place will always introduce greater opportunity for negative flow on effects than would the inclusion of a dwelling or a commercial building or a public place. In the case of Bundaberg Walkers Engineering, it unnecessarily introduces an obstacle to future industrial, employment-generating development. In a depressed economic region, the expansion of the manufacturing base should be encouraged by streamlining the process for commencing a new (and/or regenerating an existing) industry. For those reasons already advanced, the proposed listing of the Bundaberg Walkers Engineering as a local heritage place will have the opposite effect. This has the potential to prejudice both [REDACTED] and the region.

.../5

- 5 -

As noted by [REDACTED], the foundry also needs to retain the ability to respond immediately to international market nuances and damaging flood events. Whereas that ability exists under the current planning regime, the proposed change to the Planning Scheme will frustrate that ability.

On behalf of [REDACTED], we request that Council not list Bundaberg Walkers Engineering as a local heritage place. Should you have any questions about this request, please do not hesitate to contact the writer.

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Submission M14

The Chief Executive Officer
Bundaberg Regional Council
PO Box 3130
Bundaberg QLD 4670

Attention: Evan Fritz

15th October 2019

Dear Mr CEO,

I am writing to acknowledge the letter you sent to myself dated the 18th of September 2019 regarding the proposed amendment to the zoning of my land.

I have read the information you have provided to me and a further considerable amount of information that can be found on government websites. At this stage, I do not agree to the rezoning of my land until I can receive further clarification and written documentation outlining the future of my below concerns.

Typically, rates will rise as the Council sees fit to increase these each year. By how much do we expect to see as a rate increase with the rezoning of our land now that the SDA have power to alter them as they please? And while we are talking increases, can you give me an idea on how our insurances may change?

While the rates are on the increase, I hold concern that the value of my rural property will decrease under the new SDA rules. Will there be any compensation for this and what is the expected decrease?

My property is approximately 7.5 acres, enough to possibly build on for my 4 young children's homes when they are older. However, as the rezoning of my land changes under SDA, would the council agree to the subdivision of my land prior to the rezoning or are able to offer a confirmation of any subdivision of my land for 4 possible homes to be built in the future? Again, my concerns are that under the new zoning, to accommodate the subdivision of my land for these homes or any future changes to any building structures, I will need the permission of the SDA even before it goes to council and these changes need to fall in line with the future plans of the SDA.

One more thing, from my understanding, the Coordinator-General also has compulsory acquisition powers. Considering we are a small portion on the new zoning map, I ask for our property to be removed from the new zoning and be left as is, zoned Rural.

Please respond to my concerns in writing to our address or to the above email. At this stage, I remain against the rezoning of my land until such assurance of my concerns.

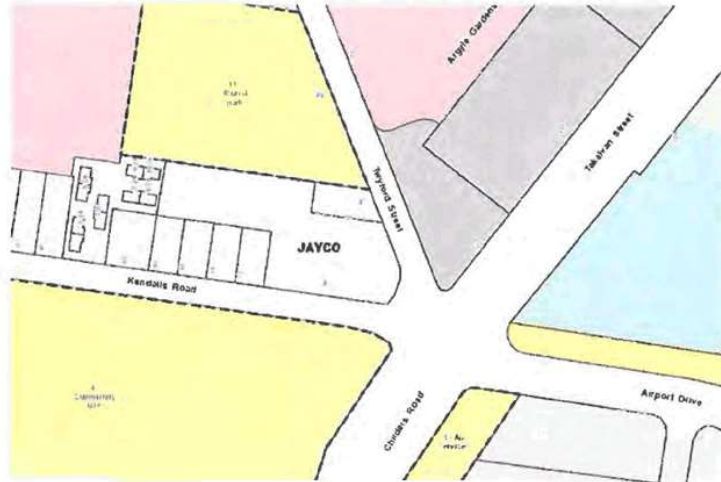
Regards,

A small black rectangular redaction box covering the signature area.

BACKGROUND

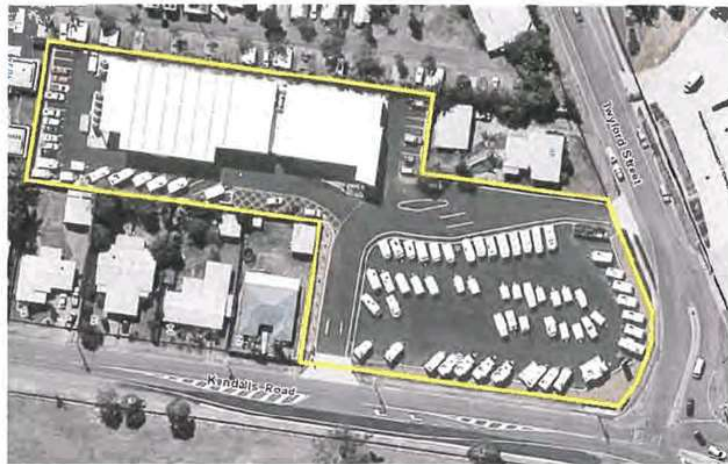
This submission is made in respect of Lot 80 on SP291180 (10 Kendalls Road, Avoca).

The site is currently zoned Low density residential in the Bundaberg Regional Council Planning Scheme 2015. Refer excerpt from BRC interactive mapping below:



Submission M15

A Material Change of Use approval for Outdoor Sales (Caravan Sales & Service) was given over the site in 2016. This approval was enacted and the Jayco Bundaberg premises were subsequently developed on the site. Refer excerpt from BRC interactive mapping below:



SUBMISSION

Proposed Planning Scheme Amendment Zone MapZMA-19 (Amendment) does not propose any changes to the zone mapping. Refer excerpt below. It is noted that other land in the precinct as shown is proposed to be included in the Major centre zone.



It is submitted that the site would be more appropriately located in Specialised centre zone to reflect its approved use, built form, and operation of premises.

The site's interface with the adjacent low density residential properties, particularly in relation to preservation of residential amenity has been fully addressed in the conditioning and subsequent built form of the premises.

Table 5.4.19 (Categories of development and assessment for the Specialised centre zone) provides for a range of business activities triggering either Accepted subject to requirements or Code assessment if within an existing commercial building and the footprint is not altered.

In comparison with the existing approved use, an examination of the range of business activities contemplated would suggest that the measures in place to protect adjacent residential amenity would provide appropriate protection.

Other uses which may be considered to generate greater impacts are either Code or Impact assessable and would have to meet code provisions, in particularly PO6 Effects of development of the *Specialised centre zone code*.

We submit that Lot 80 on SP291180 located at 10 Kendalls Road, Avoca be included in the Specialised centre zone.

Submission comments

We would like to take this opportunity to have our say on the zoning changes you have planned for our property within the SDA.

For the past 3 years now there has been constant speculation regarding the SDA. The state government says to talk to council, council

says speak to the state government. it seems that none of you really have a clue, but are constantly harping on about your dreams and aspirations for the port to be busy.

We understand that the land needs to be safeguarded for the future but quite frankly your lack of concern for the few of us in our situation is appalling.

I have emailed every councillor and MP who has had their head in the papers spruiking the good fortune that will come to Bundaberg as and when (or if) the port plan suddenly comes to fruition, trying to get some answers as to our future, living in a transport corridor.

Apart from some generic business like replies and many more who just completely ignored us, only Scott Rowleson bothered to answer with any ounce of understanding.

We have been fed the press releases and I have probably read more about state development areas in Queensland than most people in the council. Along with this some have had the temerity to tell us to carry on like nothing is happening. While this might be a suitable way of dealing with things being an elected member of a government or council, we will be around longer than most of them will be in office.

We are concerned for our house, our future and the fact that no-one ever has an answer for us is just not good enough. Basically we would like to say put up, or shut up. Very little has happened at the port since Knauf opened their doors,(this is where someone will say " oh there's lots happening behind the scenes, big things are in the pipeline...") If the grand plan is to build a transport corridor, then would you kindly make it happen sooner rather than later as the strain it has had on our mental health over the past 3 years (and counting) is not something I want to add to our compensation case in years down the track when you finally have someone to invest in the port.

Bundaberg SDA is currently the slowest of all Qld SDA's to actually do anything in recent years, most have been actioned and are making money within 18months of declaration. Once again Bundy has big plans, a large mouth to talk them up but nonone who actually gets them done.

We pay our rates, our taxes and get very little but our garbage collected. But keep on building pavements and worrying about the turtles and we'll wait here in the meantime.

Do whatever you have to do with the zoning, our opinion doesn't really mean anything in the grand scheme of things.

Kind regards



Submission M16

Thank you for taking the time to provide your feedback.

Submit via email

PRIVACY NOTICE: Bundaberg Regional Council is collecting the personal information you supply on this form for the purpose of receiving a 'properly made' submission on the proposed amendments to the Bundaberg Regional Council Planning Scheme. Some of the information may be provided to the Department of State Development, Manufacturing, Infrastructure and Planning for the purpose of providing a summary of matters raised in submissions. Your personal details will not be disclosed to any other person or agency external to Council without your consent you have given Council permission to do so, or we are required by law.


Submission M17Our Ref: 
Your Ref: 


15 October 2019

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

Email: development@bundaberg.qld.gov.au

Dear Mr Johnston

**COMMENT ON PROPOSED AMENDMENT No. 5 OF BUNDABERG
REGIONAL COUNCIL PLANNING SCHEME**


Thank you for your letter dated 18 September 2019 advising of the proposed amendment of the Bundaberg Regional Council (BRC) Planning Scheme and in particular proposed changes to affect land owned by . Find below our comments and suggestions in relation to items of interest for your consideration.

AMENDMENT NO. 5 (Major Amendment)

1. Part 3 – Strategic Framework

The first sentence on page 3-9 under Port of Bundaberg and Bundaberg State Development Area (BSDA) states "In 2031, the Port of Bundaberg and associated industry and support infrastructure has expanded to the northern side of the Burnett River....", however, the Port of Bundaberg strategic port land and BSDA already exists on the northern side of the river so that the reasoning for the reference to the date 2031 is unclear. Recommend reviewing the source of this data or reword to enhance clarity.

2. Part 6 – Zones (and associated changes to Part 5 Tables of assessment)

- a) In the zone list in Section 6.1 (8) we would like to recommend adding "Special purpose zone code" to the list under "other zones category".
 - b) We would like to highlight for review, the Special purpose zone code purpose and overall outcomes in Section 6.2.19.2 (1) - Editors notes and query whether these adequately describe when the various schemes and land use plan are applicable within the State Development Area and the Special purpose zone. It may be helpful to applicants for this scheme to provide further clarification for the situation where the State Development Area and Strategic Port Land overlap e.g. "In this area, the planning scheme only regulates development for reconfiguring a lot, building work
- 

-2-

and operational work and then, only if the area is not strategic port land.*

- c) Despite the addition of the editors note in footnote 1 (pg 5-1), we suggest further consideration is given to whether the categories of development and assessment provided in Part 5, Table 5.4.20 - Special purpose zone, provides an applicant with sufficient information to determine whether the planning scheme's categories of development and assessment and assessment benchmarks apply to a development in the special purpose zone. Given that the special purpose zone has been applied to all strategic port land (inside and outside the BSDA) Table 5.4.20 implies that this scheme is applicable to development on all land in the BSDA not regulated by the BSDA development scheme. It may be helpful to applicants for this scheme to provide further clarification regarding when the planning scheme is triggered in the BSDA e.g. the subheading could be amended to "Development on land not regulated by the Bundaberg SDA Development Scheme or Port of Bundaberg Land Use Plan".

3. Part 7 – Local plan codes (gas pipeline infrastructure location) and Infrastructure Overlay – Gas pipeline

Figure 7.2.2 shows the location of the gas pipeline to the Port of Bundaberg in the Kalkie-Ashfield Local Plan and a number of Infrastructure Overlay Maps show a gas pipeline buffer. We suggest the inclusion of a figure/s to show the location or buffer of the existing gas pipeline or any proposed new gas pipeline to the Port of Bundaberg in and near the Port of Bundaberg.

4. Strategic Port Land and Zones

Please find attached a figure showing current strategic port land in yellow to assist with the update of your information. There appears to be some discrepancies between this figure and the proposed amendments and the list provided in your letter.

[Redacted] has no objection to the proposal to zone strategic port land as "special purpose"

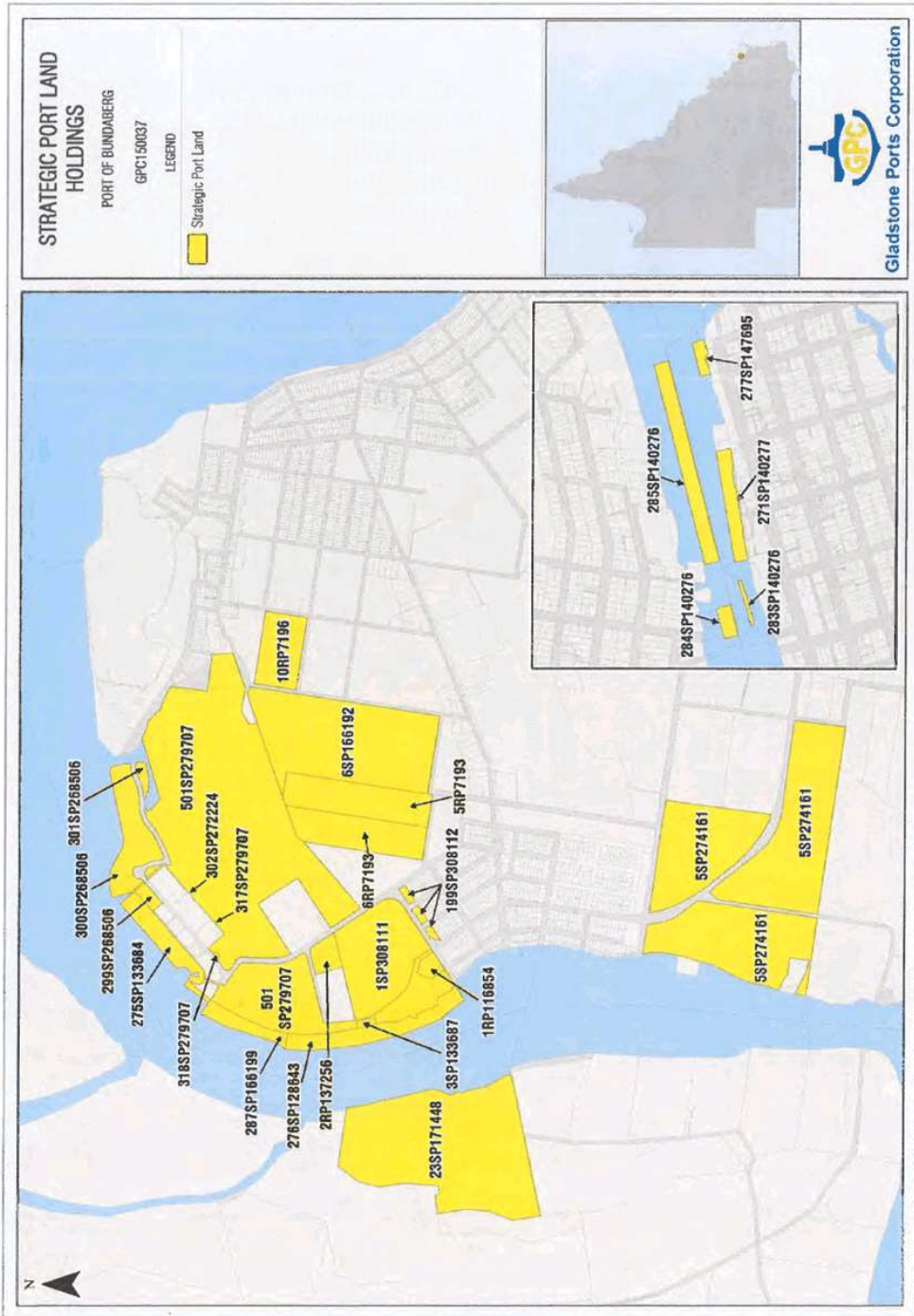
[Redacted] has no objection to the proposed "rural" zone for Lot 10 on RP7196 [Redacted]

[Redacted] also has no objection to the proposed "industry" zone for Lot 305 on SP296896 as this land is no longer strategic port land.

Should you have any queries or wish to discuss the above matters, please don't hesitate to contact [Redacted] or via email on [Redacted]

Yours faithfully

[Redacted Signature]
15 October 2019



Submission M18 & Q18

From: [REDACTED]
To: [Development](#)
Cc: [REDACTED]
Subject: Submission - Amendments to Bundaberg Regional Planning Scheme
Date: Thursday, 17 October 2019 1:46:53 PM
Attachments: [REDACTED]

17 October 2019
Chief Executive Officer
Bundaberg Regional Council
Dear Sir,

RE: Submission to Bundaberg Region Planning Scheme – Amendment No. 6 (Mon Repos/Sea Turtle Amendment)

Thank you for the opportunity to make a written submission to the Proposed Bundaberg Region Planning Scheme amendment.

Please find a submission with respect to the above amendment for consideration by Council.

This submission is made by [REDACTED]

The primary objective of this submission is to offer my full support to this amendment.

I recall as a child being told stories by my father, of time spent by his family, at Mon Repos and the existence of the turtles over 100 years ago.

Over 100 years ago, there were 2 young men who enjoyed each others company. The 2 young men were both good runners and spent a lot of time training, running along the sand at Mon Repos.

One of these men was very important to me, although I never got to meet him, my grandfather [REDACTED] born 13 January 1886.

The other man was Herbert John Louis Hinkler (commonly known as Bert), born 8 December 1892, I'm guessing you have heard of this guy.

A long time has passed since the Kanakas feasted on the turtles at Mon Repos and the effort put into conserving these beautiful, harmless creatures by Bundaberg Regional Council is commendable.

RE: Submission to Bundaberg Region Planning Scheme – Amendment No. 5 (Major Amendment)

Thank you for the opportunity to make a written submission to the Proposed Bundaberg Region Planning Scheme amendment.

Please find a submission with respect to the above amendment for consideration by Council.

This submission is made by [REDACTED]

The primary objective of this submission is to offer my full support to this amendment, with the exception of the ' Kalkie Ashfield Local Development Area Structure Plan Concept '

It is my recommendation to modify the ' Kalkie Ashfield Local Development Area Structure Plan Concept ' over lot 20 on SP291214 to include 4000m2 lots across the frontage to a distance of about 60 metres from the western boundary of this lot as per attachment ' 35 Kirbys final layout '

Grounds for submission

- The site is located at 35 Kirbys Road, Kalkie, described as lot 20 on SP291214. The site has singular road access at the northern end (Kirbys Road).

- A certified PMAV exists over the site as per attachment ' PMAV '. There is ' No ' regulated vegetation on the site.
- The latest waterway mapping as per attachment ' waterway submission ', locates the waterway away from any proposed development. The current mapping in SPP and DAM is under review and due to be updated to this alignment any day now. [REDACTED] can substantiate this claim.
- Stormwater modelling has achieved 100% flood free lots to the proposed lots and improvements in all adjoining properties including the property on the other side of the road. 2 adjoining lots will also result in being 100% flood free. Flooding on the road has receded about 300 metres which is a huge improvement. Please see attachment ' POST-DEV AEP 1% 6 HR – OVERALL '. Please also see attachment ' 100mm filter '. This also suggests about 5 acres on the southern boundary could also be mapped as suitable for 4000m2 lots, given the small amount of earthworks required to make this section flood free. This is of less concern at present as it is dependent on the adjoining landowner developing first.
- The site is currently used for residential and grazing purposes, however has minimal potential for intensified farming operations as a result of poor soil quality and no access to Sunwater.
- The site is flat with a low hazard flooding overlay and is otherwise generally unconstrained with manageable acid sulphate soils.
- Land uses surrounding the subject site includes agricultural activities to the north with emerging communities zoned to the south.
- The site has relatively good access from Kirbys Road and is approximately 3.2km from dense existing urban development.
- Current waste management services the site and surrounding areas.
- The site's location and close proximity to existing infrastructure (road networks, social infrastructure & urban services), makes it a desirable location for lifestyle rural residential living.
- Given the obvious constraints in utilizing the property for agricultural purposes, some subdivision (where practical) remains a positive outcome and solution for this particular site.
- Providing the site with additional large residential lots will provide greater diversity in housing and lifestyle choice in close proximity to existing urban areas.
- The provision of additional Rural Residential land will meet current and future market demand for larger lifestyle residential lots.
- The proposed development does not impact any potential areas of environmental significance with only a small part of the block suitable for development.
- The subject site is suitably located with all required infrastructure and services provided for. Additionally, the proposed development will include all relevant infrastructure and service required for additional development.
- Despite being within close proximity of rural land parcels, the proposal has minimal influence on land parcels surrounding the site.
- The new lots created from this proposal will provide an infrastructure charges contribution for council to invest in its infrastructure.
- An insufficient amount of Rural Residential land is currently provided for in this locality in the Bundaberg Regional Council Planning Scheme 2015

If you wish to discuss this submission further please contact [REDACTED]

Yours Faithfully

Submission M19 & Q19

From: [REDACTED]
To: [Development](#)
Subject: [REDACTED] response to BRC Planning Scheme amendments
Date: Monday, 21 October 2019 12:37:38 PM

[REDACTED] response to Bundaberg Regional Council Planning Scheme Amendments.

Thank you for this opportunity to respond to the proposed amendments to the council's Planning Scheme.

This response from [REDACTED] focuses on the growing light pollution threat to sea turtles, our particular area of interest. We are uniquely positioned in this sphere, with Mon Repos being the principal nesting beach for the endangered South West Pacific Loggerhead turtles.

We strongly believe that the proposed amendments must compliment the measures currently being undertaken by council, which includes the Reducing Urban Glow (RUG) project. RUG's aims include establishing for the first time urban glow levels, the results of which will be made available to all sectors of the community through a web based site. It is hoped that through community education these results will galvanise action to minimise light pollution.

This light pollution has also been identified in the Commonwealth Government Turtle Recovery Plan 2017 as a significant risk to marine turtles Australia wide. This has been very evident along our coastline with its unique urban / sea turtle interface, resulting in our ever growing population continuously adding to the stresses placed on the annual sea turtle nesting.

The increasing glow is resulting in an ever increasing number of nesting turtles returning to the ocean without laying, whilst hatchlings are often attracted to the inland artificial light instead of heading to the natural low light of the ocean's horizon, thus putting them at further risk [REDACTED] therefore seeks assurances that these amendments to the council's planning scheme do progress this important need to lower urban glow.

On reading through these complex amendments, it is our belief that in some areas there is a risk that they fail to improve and in some cases could even make worse the current situation.

The current conditions contained in the TLPI on blocks between Mon Repos and Oaks Beach were supposed to be addressed by the amendments in the new Planning Scheme. As these blocks will be designed as rural residential, that would allow each of the 20,000 square metre blocks to be subdivided into 2000 square metre lots! If all of those 20,000 square metre blocks were divided up, there would be a need for additional street lighting.

This certainly dilutes considerably the conditions imposed in the TLPI and needs to be addressed by at least a significant increase in lot size to 5000 square metres in this area of coastline between two very important turtle nesting beaches.

Of further concern, once the TLPI runs out, there will be no requirement on any domestic dwelling to have their lighting assessed in that area. New dwellings being built under the TLPI put in place by the state government, do currently have this condition.

Under these amendments only assessable developments (multi residential and commercial) will have a turtle lighting assessment in the turtle sensitive zone. Unfortunately this opportunity to address the need to put in place domestic lighting conditions, in areas around nesting beaches, has again been ignored, especially as these conditions along the coast were present in the planning schemes of the the former Burnett Shire - a real backwards step.

█ feels that the five story rezoning in the Burnett Heads CBD needs to be reduced to three storeys, as it will be the precedent to allow at least five storeys within the close by new marina development. STA further understands that there is a current application for a nine storey hotel complex at the Burnett River mouth, which despite all lighting conditions applied to the development must increase significantly to the coastal glow.

Despite council's continued assurances that the lighting problem can be solved with lighting conditions, █ still has major concerns. We need look no further than Kellys Beach, once a significant nesting beach. Following its rapid development, previous and current councils' inability to enforce and even monitor any conditions, resulted in turtle nesting numbers collapsing to a point where Kellys Beach is no longer a major nesting site. Even the limited nests that do occur there have to be relocated to darker beaches to ensure the hatchlings head to the water and not the developments.

With the Esplanade Jewel development, also with stringent lighting design and conditions about to start, it is hoped that our current council will have in place adequate monitoring and enforcement procedures to ensure that the Kelly's Beach situation is never repeated. The recent debate that was caused by this proposed development also highlights the need for the planning scheme to specifically state appropriate building height restrictions in the turtle sensitive zone. █ continues to believe that the current three stories, with an extension to five stories for exceptional developments, should remain.

█ feels that these amendments to our Planning Scheme should assist our community by providing the necessary information and conditions, including placing suitable lighting restraints on all future developments, including domestic, in the Turtle Sensitive Zone, that are needed by developers, corporations, and people building or renovating coastal properties to minimise their impact on adding to the glow.

With council now so active involved in RUG it is imperative that these amendments compliment that excellent work currently being done by council in this field.

█

20 October 2019

Submission M20 & Q20

[REDACTED]
[REDACTED]
[REDACTED]

21 October 2019

To Whom It May Concern
Bundaberg Regional Council

E: development@bundaberg.qld.gov.au

Dear Sir/Madam,

Submission

Bundaberg Regional Council Planning Scheme Amendments 5 & 6

Amendment No. 6

Mon Repos/Sea Turtle Amendment

The Sea Turtle Amendment does offer greater protection for the sea turtles that nest along the Burnett Shire coastline, and for turtles nesting at Mon Repos, and this is to be commended, however

- it fails to take into account that, as the land rises up from the ocean, high-rise buildings, that is buildings above 2 storeys have the potential to increase light glow and impact upon Mon Repos Turtle Rookery and adjoining beach areas. This needs to be rectified.
- The benchmarks for assessable development stated to be generally as per TPLPI 1/2019 appear to still allow developments to be approved much higher than the stated acceptable maximum height of buildings within the coastal areas.
- Maximum height should mean maximum height not be negotiable.

Height control

The proposed changes need to incorporate building heights, preferably no more than 3 storeys, as identified within the Bargara Height Control Overlay Map (TLPI 01/2019) not only for those areas as identified, but to include the whole coastal plan area between Norval Park and Elliot Heads as those coastal areas become targets for increased built development.

Light emissions

The Sea Turtle sensitive area as identified appears to only cover a narrow strip along the coastline regarding light emissions.

Given the current climate with developers seeking to build high-rise units near the coast it is important conditions relating to light emissions apply to all of the coastal urban areas.

Major Amendment No. 5

Burnett Heads Marina Development Site

The Burnett Heads Town Plan proposes building heights of 9 storeys for the area which extends out into the harbour, and 5 storeys for the adjoining area back to the Harbour Esplanade.

- It is not clear whether this area is contained within the Turtle Sensitive area. The building heights should be restricted to no more than 3 storeys providing light emissions are compliant with Performance Outcomes within the sea turtle sensitive area.

State Development Area

The State Development area and port should be subject to the same lighting and building height controls as the rest of the coastal area.

- **Migratory wading bird habitat**
Future development proposals within the SDA must take into account the need to protect the wetland areas and migratory bird nesting locations immediately adjoining the north-east coastline.

Kalkie-Ashfield Plan and Branyan area

Continual expansion of the urban areas into rural areas is not in the best interest of agriculture and horticulture, and should be protected.

Hughes and Seaview Road Masterplan

It is not clear whether the Master Plan is to be incorporated as is, or whether it is intended for the area to just be designated urban. Either way there needs to be height and lighting restrictions.

- The existing Council Offices and Cultural Centre must be retained in the Community Use Zone, and made available for use by the residents and ratepayers of Bargara and the adjoining coastal communities.

This only a brief comment due to time restraints, however I do hope my concerns are taken into account, and that controls for building height and light emissions are put in place for all coastal townships.

Yours sincerely,

████████████████████
████████████████████
████████████████████

Submission M21 & Q21

21 October 2019

Steve Johnston
Chief Executive Officer
Bundaberg Regional Council
PO Box 3130
Bundaberg QLD 4670

BY POST / EMAIL – development@bundaberg.qld.gov.au

Dear Mr Johnston,

RE: Amendment No. 5 and Amendment No. 6

█ writes to Bundaberg Regional Council (council) on Proposed Amendments 5 and 6 (proposed amendments) which seeks changes to the Bundaberg Regional Council Planning Scheme.

█ is supportive, in principle, of amendments that are aimed at ongoing improvements to the operation and efficiency of the planning scheme, and other changes to guide future growth and development in the Bundaberg Region. █ highlights the development industry in the Bundaberg region is a major contributor to the local economy; with the industry providing 6.3% of the region's employment and \$550 million to the Gross Regional Product (GRP)².

The Bundaberg Regional Council Planning Scheme is a critical document used as a framework for guiding and facilitating development and ensuring the region is able to meet its aspiration for economic growth. To achieve this, a balanced and concerted effort is required in ensuring the urban development is able to occur to boost the local economy, improve employment, and provide the necessary housing to the community.

█ is supportive of the following aspects of the amendments:

- Greater recognition of the Bundaberg State Development Area, and in turn, its important function and within the Strategic Framework
- Improved provisions around pedestrian connectivity, built form, and design within the Centre zones for enhanced outcomes for the denser parts of the Bundaberg region.

█ has reviewed and analysed the proposed amendments against the industry capacity to deliver affordable housing and the ability to provide a wide range of housing choices for the community in the Bundaberg region and has the following concerns:

- Heritage and neighbourhood character overlay now triggering code assessment for Material Change of Use (MCU) and Building Work (BW) application where adjoining local heritage (sub-overlay)
- Lack of assessment provisions or benchmarks around development proposal adjoining local heritage items/sites

Page 1 of 3

- Onerous and potentially overbearing requirements for secondary dwellings within Low density residential zones
- Use of language within the Overall Outcomes of the Low density residential zone which appear to weaken support for Dual occupancy land uses.

██████████ has provided greater detail on the items raised below.

Heritage and Neighbourhood Character Overlay – Adjoining Properties

██████████ expresses concern over the proposed amendments to seek changes to the assessment triggers to the Heritage and neighbourhood character overlay and the lack of direction to comply, where adjoining to local heritage sites.

The proposed amendment seeks to specifically amend Part 5 – Tables of Assessment – 5.9 Categories of development and assessment – Overlays and the category of assessment for Heritage and neighbourhood character overlay – if involving or adjoining a heritage place within table 5.9.1. The changes relate to an escalation of the category of assessment requiring code assessment for application under the proposed amendments. This will cause a number of dwellings, in the form of MCU and BW, to unnecessarily become code assessable and will increase the cost of delivering and the final purchase of these dwellings. In addition, ██████████ is concerned there is lack of guidance or specificity in the overlay code for allotments that adjoin heritage sites.

██████████ has concerns that the increase in the level of assessment and lack of a specific criteria around development adjoining heritage will create additional cost and time in delivering dwellings and will be passed onto the purchaser. Firstly, potential homebuyers will be required to undergo a formal application to council where, in addition, professional consultants will need to be engaged to lodge the application. In addition to this, given the context of the change, a consultant or designer will need to be engaged to ensure the dwelling house does not offend the existing character and heritage; costing the potential homebuyer an additional \$7,000-\$9,000 (in total with council fees) as part of the overall costs.

Secondly, the proposed amendments have failed to incorporate any changes to include specific provisions to guide development to comply with the overlay code. ██████████ believes council could provide greater certainty and direction, where the level of assessment remains as code assessable, on how future development can comply. More tangible benchmarks that aim to give the industry greater foresight are required to avoid any misinterpretation or confusion over the application of the policy.

██████████ recommends that council refrain from escalating MCU and BW applications for dwelling houses to code assessment in residential areas (where adjoining to local heritage) and draft tangible benchmarks for future development to comply with the overlay code for Accepted Development, Subject to Requirements.

Secondary Dwellings

██████████ has concern over the proposed amendments and its additional requirements for the secondary dwellings. We understand that council is seeking to ensure secondary dwellings remain subordinate to the primary dwelling house and has, in response, included additional requirements to enforce this.

██████████ view is that the changes are onerous and will reduce the ability to provide secondary dwellings. ██████████ considers that secondary dwellings are to function ancillary and in support of the primary dwelling house and will meet this function without any changes being required.

██████████ does not support the inclusion of Acceptable Outcome (AO) 9 requiring a minimum lot size, where within the Low density residential zone, the reduction of the maximum gross floor area (GFA) from 80sqm to 60sqm, and for secondary dwellings to be interconnected to the main dwelling via door, breezeway or hallway.

These additional provisions will create unnecessary applications for siting relaxation for secondary dwellings and will incur additional costs and time. Secondary dwellings play an important role in enabling families to accommodate changing demographics and offer residents the ability to age in place. Bundaberg has a growing aging population where choice of housing will be fundamental in housing the elderly. It is critical secondary dwellings remain accessible and easy to deliver options to cater for changing households that are, importantly affordable.

We note that there is a potential conflict with AO9.4 (a)(i) within the Dwelling house code as part of the proposed amendments with the fire separation requirements of the Building Codes Australia as it defines a secondary dwelling to be a separate dwelling.

█ recommends that council refrain from including amendments to prescribe minimum lot sizes and reducing the maximum GFA for secondary dwellings in order to reduce costs and enable greater housing choice.

Other matters

█ has also identified some potential errors including:

- A Non-resident workforce accommodation is categorised as accepted subject to requirements, however there are no requirements listed
- AO9.4(a)(i) conflicts with (a)(ii) as the requirement for interconnection will result in a breezeway being required where the secondary dwelling is free-standing, which may be up to 20m in length. This provision should include 'Or' after (a)(i)
- Incorrect referencing of the *Plumbing and Drainage Act 2018* through the proposed amendments.

Other matters

Thank you for the opportunity to provide comments on the proposed amendments. In summary, █ recommends that council:

- Refrain from escalating the level of assessment for dwelling houses (MCU or BW) where adjoining to local heritage and draft tangible benchmarks be provided for future development to comply with the overlay code for Accepted Development, Subject to Requirements
- Refrain from including onerous requirements to prescribe minimum lot sizes and reducing the maximum GFA for secondary dwellings in order to reduce the cost of delivering secondary dwellings and enable greater housing choice.

█ looks forward to council's response that address the matters raised in this submission. If you have any questions regarding this submission, please contact █ on █.

Yours sincerely,

█

█

█
█

Submission comments

RE: AMENDMENT 5 MAJOR AMENDMENT

I am pleased with the proposed changes outlined in Amendment No. 5 of the Bundaberg Regional Council Planning Scheme.

Re: AMENDMENT 6 QUALIFIED STATE INTEREST AMENDMENT

I consider that the 2,000 sqm minimum size allotments proposed on this land is a good compromise, and a much better option than the smaller blocks that were permitted under the existing 'Emerging Communities' Zone. However, I would prefer that it be 4,000 sqm minimum size allotments to reduce the density in this area and assist with the environmental requirements.

I also consider it important that lighting and septic systems be strictly controlled in this area.

I request that the roads and drainage to access these future potential subdivisions be upgraded to cater for further traffic and to continue to improve the area.

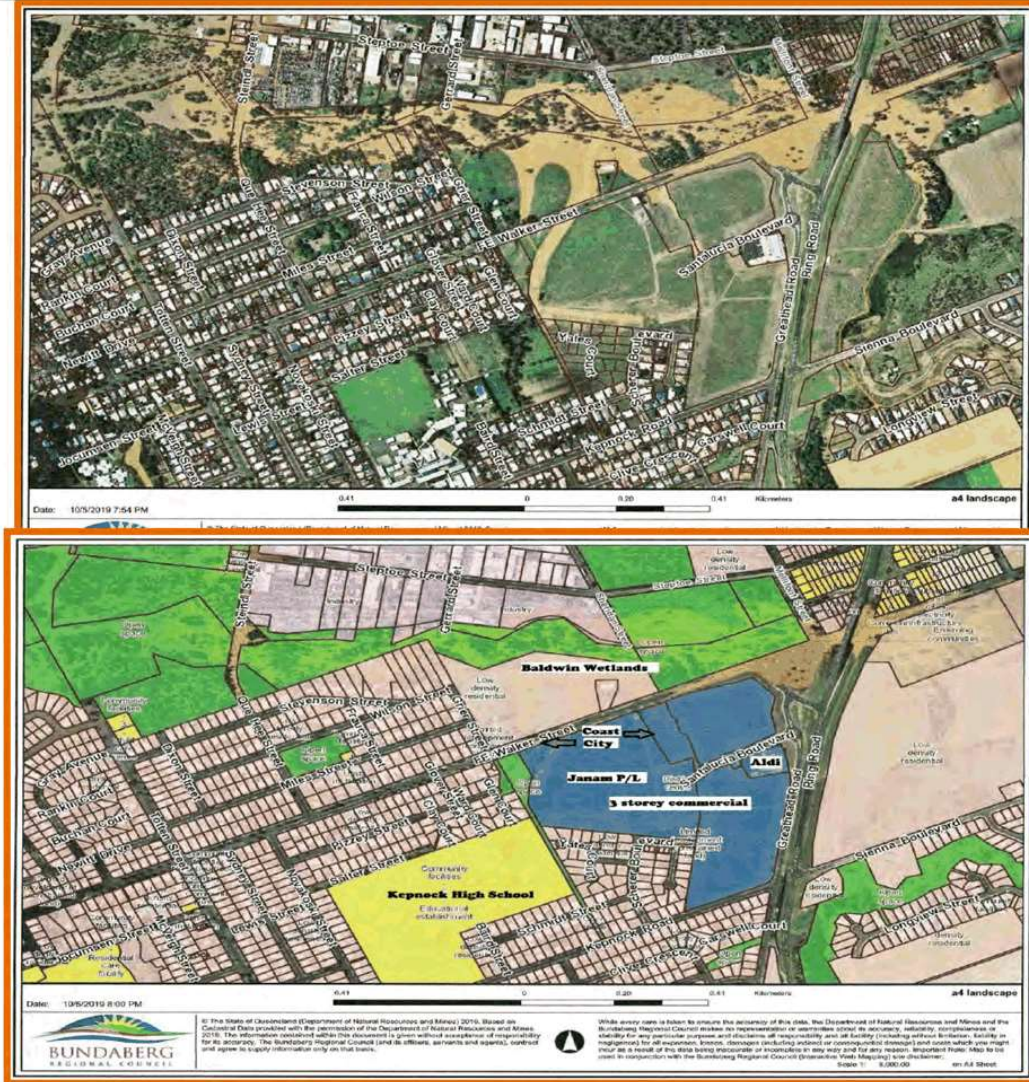
Submission M22 & Q22

Thank you for taking the time to provide your feedback.

Submit via email

PRIVACY NOTICE: Bundaberg Regional Council is collecting the personal information you supply on this form for the purpose of receiving a 'properly made' submission on the proposed amendments to the Bundaberg Regional Council Planning Scheme. Some of the information may be provided to the Department of State Development, Manufacturing, Infrastructure and Planning for the purpose of providing a summary of matters raised in submissions. Your personal details will not be disclosed to any other person or agency external to Council without your consent you have given Council permission to do so, or we are required by law.

Submission M23 & Q23



18 October, 2019.

SUBMISSION TO TOWN PLANNING AMENDMENTS

After due consideration of the proposed amendments to the current 2015 Bundaberg Regional Council Planning Scheme we advise as follows:-

Amendment No 5 – Major Amendment.

Dwelling Houses:

Changes to Reconfiguring a Lot code to include additional provisions for designation of development footprint plans, where required to address specific development constraints – eg. flooding, steep land – or other outcomes.

Using the local example of the strategic financial goal of the developers – as opposed to the strategic goal of regional community benefit – we refer to the development of the ex-Mintgrove land here at Kepnock, after its purchase by JANAM P/L. Their goal to amalgamate the end product of two separate parcels of land (in this case changing it all to 3 storey commercial to reap a financial windfall) using different legal entities is not an unrealistic financial strategy. Their development strategy provided them with flexibility and the capacity to drip-feed applications, using the negotiated decision-making processes. This kept them within the limitations of the Town Plan – by working the system. It has, however, been costly for ratepayers, for residents (now and more particularly in the future) and the environment.

The developer “concessions” which provide too much flexibility in the ROL code need to be addressed within the Planning Scheme – not to inhibit development and/or long term planning requiring staged development but to prevent long term disadvantage and cost to everyone other than the developer – who achieves his goal, moves on to their next project – with taxpayers and ratepayers then picking up the burdens because of changes during the “operational works” phases of the development approval.

The current problems with Legacy Way, the Toombul Shopping Centre and the consequential flooding of residences at Clayfield will now be the subject of a Special Enquiry – so many years later. (*Refer Appendices 1*)

The proposed Kepnock Shopping Centre, in geographical constraints and residential interfaces, is identical to issues at Clayfield – unless they are addressed by changes to the existing Kepnock approvals. Instead the Kepnock approvals have now been extended (as is) by Council officers beyond the life of this Council, through the life of the next Council and 6 months into the life of the 2024 Council, even though the current approvals, at the time of the extensions still had 2 years of currency. Even now the approval still has 13 months of currency – but the heritage listing of the Wetlands is likely to happen before the current approval expires. That would require a new approval

and with the Wetlands then heritage listed – would be a costly exercise for the new land-owner. This extension and “minor change” takes the liability of the developer beyond the future heritage listing of their end storm-water receptor, (Baldwin Wetlands) relieving them of increased environmental costs and making the ratepayers responsible for costs which they, as the developer should have to pay. Furthermore Council has now determined that this “concession” should be increased by providing the developer with \$1m in ratepayer rewards subject to a substantial commencement of their project, in, on and over the Kepnock Drain, by November 2021.

JANAM’s Kepnock land-bank is constrained by flooding, by having the adjacent Baldwin Wetlands as the only receptor for 47.9ha of storm-water, by being positioned on the surface of the critical regional aquifer, and by the State Government’s “limited access” and protection of their own infrastructure policies. This was always going to require all excess water from that undeveloped site to be detained on site because the culverts under the Main Road could not be enlarged. The site has a steep incline from Kepnock Road to FE Walker Street. This has been aggravated by importing tonnes of fill. It has built-up the eastern side of the Kepnock Drain with no accommodating change to the western side, where existing low density homes and the Kepnock High School are historically positioned.

The embryo of the current problem – apart from commercial greed and a basic common sense practice of not building in drains in a flood plain – is with the original residential (code assessable) 24 homes (2.6ha) above the proposed commercial re-zoning (10.1ha) – with no physical on-site detention, within the Estate, for the extra 700megs created by that estate. The public history confirms the developer intent was always to subdivide the large lot into part residential (code assessable) and part-commercial. Council – at operational works stage- facilitated the current problems by a concession for the developer - treating the approval condition of “on-site” as “balance site”. Seven years later – that 700 megalitres of extra storm-water is being “detained” at FE Walker Street- where the developer widened the Drain (which is actually a tributary of Bundaberg Creek). This breaches the most basic principle of ensuring that post development flows do not exceed pre-development flows – for those homes below the new residential estate. There was an undertaking by the developer that the extra storm-water outflow would be accommodated downstream within the shopping Centre – when they built it. However, once JANAM received their approval, (by having two approvals on the same site – one the subject of a P&E Appeal and a new one under the Town Plan (same project)) the site and approval were up for grabs to the highest bidder. The proposed new owner has now removed that commitment from their latest Storm- water Report – so where does that leave the residents – and the school?

It is not our intention to treat this submission as a means of regurgitating the current issues – which are still ongoing – and carry a significant risk of possible future actionable nuisance, not unlike the Clayfield risks. Rather we suggest an amendment to the ROL code – where there are acknowledged site constraints and/or it is a green-field site with staging of future development. Had the Council here ensured the accuracy of the data used by the developer on the size of the storm-water catchment, by refusing to accept the

incorrect data provided – and had the ROL code forced them to differentiate between “on-site” and “balance site” for upstream storm-water detention- then some of the current risk and extra ratepayers costs could have been avoided and/or mitigated.

Recommendation: The ROL code be strengthened to differentiate between “on-site” and “balance site” for long term planning of staged developments where they include proposed rezoning as a result of a Lot Re-Configuration. This is also relevant to amendments suggested for Part 9 – development codes.

PART 5 – Tables of Assessment - BACKPAYER ACCOMMODATION IN MEDIUM DENSITY RESIDENTIAL ZONE :

The Kepnock District Activity Centre designates the previous low density residential A land abutting Liddell Court and fronting Scherer Bvd, as medium density – short term accommodation. This presumably meets the above criteria.

The Town Plan allows for 12m maximum height within the District Centre. The shopping Centre, despite the breach of the Town Plan has been approved almost 1.37m in excess of that.

Back-packer and short term accommodation by its nature can bring detrimental social impact into the surrounding low, single - storey residential community- across the road (Kepnock Road) – and abutting Liddell Court. Three storey accommodation would destroy visual and living amenity for the existing single storey community.

Recommendation:
That the Kepnock District Centre Code be amended to reduce the maximum height allowable for this medium density accommodation from 3 storey to 2 storey. .

Part 6 – Zone Codes:

The Kepnock District Centre zone has a Community facility with a preferred Child care proposed opposite existing single storey homes in Kepnock Road. We are assuming access to Kepnock Road would be prohibited, because it was refused for the proposed Masters development on that site.

Kepnock Road already has significant peak hour traffic issues with the intersection to Greathead Rd because there is only a single vehicle turning capacity. Vehicles turning right from Kepnock Rd into Greathead Roads must wait – meaning those behind wanting to turn left also have to wait At peak times this traffic can bank up past Scherer Bvd – where traffic also banks up from those wanting to “rat-run” from the school, via Schmit St and turn left into Kepnock Road (because you can’t turn right at this time of the day).

We were told that, although the dual turn capacity had been planned – and actually marked out – it involved resumming land and moving power poles. This would take too much time, we were told, and would be too costly. Consequently the current design, and services were approved as is – even though that would mean they would need to be shifted when any development happens on that corner.

This experience does not give us any confidence that future development on that site will have sufficient regard to existing traffic – because the traffic counts were ignored – at the time.

The issue of height is also relevant for the same reasons as the previous recommendation

Recommendation: Reduce the maximum height for the zoned community facility on cnr of Kepnock Road and Greathead Road within the District Centre from 3 storey to 2 storey and ensure the road network recognizes the existing constraints of local school traffic.

Heritage & Character area – Part 5 Tables of Assessment

The current Town Plan and the history of the approved Shopping Centre have permitted two abuses of the goal of ensuring that “*development adjacent to a heritage place does not adversely affect the heritage place*”

1. Extending existing development approvals for the Shopping Centre when the process for having the nearby Wetlands heritage listed had commenced (July, 2018) raises serious questions about the capacity of the existing Town Plan to achieve its stated goal. The application for an extension of the current Shopping Centre approvals using the Wetlands as its’ sole receptor of all storm-water (then 45% higher with those change of zone approvals) was lodged on 13 August, 2018. The process for Heritage Listing was passed by Council on 24th July, 2018, publicly reported and commented on by Council – 3 weeks before the developer’s new applications.

The existing Shopping Centre approval at the time of the proposed new owner’s request to extend the conditions and accept some changes in timing and footprint size, also included the original intent to build in, on and over the drain. Lodged on 13 August, 2018, those development applications (*526.2018.068 and 527.2018.020*) sought to extend an approval which still had 28 months of currency before lapsing. The land still remained in JANAM’s name (3 weeks ago). JANAM publicly admitted they sought the changes for a third party i.e. to enhance their own financial return. This means that, having their requests fulfilled even though the intent for Heritage Listing was a “*fait accompli*” well before the existing approvals were due to lapse meant that the future detriments have now been left for others to deal with (repeat of the Clayfield scenario). Council’s intentions – and those of the community were well known. The “*minor changes*” included an 80% increase in the size of the proposed service station – which sits

on a drainage easement which flooded, is placed in the very middle of the whole regional shopping Centre – not on the outer fringes as best practice would demand- and has 5 fuel tanks dug into the aquifer, with all run-off going directly to what will be a heritage listed Wetlands.

Council, in defense of its Town Plan and the intent which these amendments now instance, has deliberately placed the developer's financial returns above those of the community to which it espouses its environmental and heritage goals.

It is a matter of history that the previous Council deliberately excluded the Wetlands from the first tranche of the Heritage nominations. Having the receptor for all the storm-water zoned as protected wetlands would have reduced the chances of approval in a material change of use – and certainly increased development costs for the Santalucia Development Consortium. Submitters who recommended the Wetlands for heritage approval were told it didn't meet the requirements. (*Refer Appendix 2*). But now, nothing has changed and it is recommended for approval. However, the developer's time frame has been lengthened due to the P&E Appeals and problems with the lack of upstream detention. That necessitated the Council and the State Government, using ratepayer and taxpayer funds, to relocate a significant eastern culvert to protect the homes from the lack of upstream on-site storm-water detention. JANAM had their approval – but the need to protect the residents from flooding, due to upstream development meant that a new easement would be required to relocate a culvert.

No future buyer of the site and the approval would be interested until that was sealed, signed and delivered.

That placed the whole approval process at the risk of having the Wetlands heritage listed before building could commence. Also, the risk of building an underground car-park in a drain, with acknowledgment that it was really a de-facto downstream detention basin – was not attractive to anyone who knows the history of Toombul and other Centres, so the underground car-park had to go – thus the reduced footprint, but the new footprint had the same intent - to put the building in, on and over the Drain.

So – the intent of these two new approvals - to satisfy a goal that Council has deliberately trashed – is blatantly obvious. Unfortunately so is the fact that this has been a deliberate strategy to sacrifice the Wetlands to improve the developer's financial returns. If the next Council, whomsoever they might be, really wants to achieve the goal stated as the purpose for this amendment then ratepayers will have to pay for that. The developer will have achieved their financial windfall gain and moved on to their next project.

2. Again we need to preface this with council's stated goal "*to ensure that development adjacent to a heritage place does not adversely affect the heritage place*"

The introduction of the State Government Environmental levy was countered by the Bundaberg Council in their 2017-2018 Budget. They introduced a \$50 per year household levy. The State Government also provides additional funds to Council to assist with their added responsibilities.

In 2006 the State Government compensated the Council for land they resumed to put their Ring Road through a Council land-bank which was low density residential A (Gympie Estates) . The 3ha of low density res A land was also included in the Management Plan for the Baldwin Swamp Management Plan – an important document to ensure that the future Heritage Listed Baldwin Wetlands was well managed and had action plans to ensure its protection into the future.

Without any consultation with

1. The two (2) Community Conservation Advisory Groups to Council,
2. Councillors – or at least the Chair of that Portfolio and others,
3. The community,
4. Without any feasibility study of alternate site/s
5. Without any development application to balance their role as both land-owner and assessment manager
6. In contravention of their recently adopted Waste Management Plan (2017-2025) and
7. Like the Shopping Centre - Council acted as a developer of its own land.
Council pre-empted the pending heritage listing of some of the lots which are nearby and included in the heritage listing proposal by authorizing the removal of Council's 3ha of 70-80 year old growth timber from the site.
Achieving their financial goal, after heritage listing – could prove difficult to do – and more difficult to explain, so a pre-emptive strike was made

The bulldozed desolate site – with its wind-rows of dead timber- is to be used to establish a heavy impact gravel/waste construction building materials gravel depot for sorting and processing on site. This is in the middle of an Environmental Park and near a low density residential estate on the other site.

Obviously the existing Tables of Assessment and/or Associated Statutes have a loop-hole that permits pre-emptive action by would be developers of areas due to be heritage listing. We understand that retrospectively imposing these additional requirements on developers with current approvals is unjust – but these two examples show that:

- Council can do whatever it wants (their words) on their free-hold land and
- Existing approvals can be extended – well before their currency lapse date – to circumvent the extra cost of adhering to stricter environmental provisions for developments which are inappropriate for the heritage value of the relevant land or land adjacent to it.

Recommendation:

That the code for Heritage Listing includes provision through associated statutes for increased costs/penalties for the developer where applications are made and/or approved to circumvent future (publicly known) heritage listing.

Part 7 – Zone Codes and Local plan codes:

This proposes using the Burnett Heads Town Centre Local Plan to incorporate the recommendations of that Plan into the Planning Scheme for that area. This Plan includes buildings of up to 9 storeys. If this is to be supported then the suggested lighting – and urban glow preventative measures – need to be mandatory – and included in the Planning Scheme in other than the Nuisance Code.

Further this should not be seen as a precedent to suggest that this alternative height option be imposed – or suggested – for any area other than where that height is already allowed for in the current Planning Scheme

Schedule 6 – List of proposed Heritage Listed sites for inclusion in the second tranche of the Town Plan

Fully supported

Schedule 6 Planning Scheme Policies

This relates to information Council “may request” when and in preparing well made applications and technical reports to better align with the Planning Act.

The Kepnock District Centre is an excellent example of technical reports which have contained incorrect data.

The IDAS system provides a list of questions which the developer must answer. The data provided by the applicant then has to be signed off as “true and correct” – with the acceptance that providing incorrect data is an offence.

It has been our experience that – with the Kepnock District Centre -

- The total catchment size has been 7.9ha short of the State Government mapping for the Shopping Centre site.
 - There is a deliberate omission of the existence of the aquifer and adjacent river/creek eco-systems.
-

Where correct technical data has either been deliberately omitted – or not provided at all because its inclusion could jeopardise the approval - especially with a change-of-use, this should not be a matter of a “request” for correction – but a demand by Council for correct data. Failing this the application should carry a qualification similar to any audit Report on matters critical to the end result of any application and/or request being made to any decision-making body, either financial or governance..

This has not occurred with the storm-water catchment size of the total site, with the Shopping Centre’s proximity to the aquifer, and/or the adjacent Bundaberg Creek.

The deeming of an application to be “*properly made*” should include correct technical data and, where such data is knowingly not provided, then the final Council Recommendation should include a qualification that the technical projections (in whatever element is relevant) are based on incorrect data.

When we informed Council of all this incorrect technical data in the relevant pages of the IDAS form – and later the formal consultant’s Reports we were informed that “*Council cannot compel a developer to update or change documents provided as part of the application process. although the Council can request changes . If, following assessment of the final version of documents submitted by the applicant the Council is still not satisfied, it can impose changes through the application of conditions attached to any approval*” BRC letter dated 3/8/19.

In the first instance we were informed that “Council is the assessment manager and we deem it to be properly lodged”. The “*properly lodged*” concept should apply to the correction of incorrect technical data – where Council has declined to request it be provided. Surely, after 8 separate variations of the Shopping Centre Report Council should be empowered to demand correct technical data. Currently Council is approaching alternative consultants to obtain their “opinion” of the outcome based on what they know to be incorrect data. This happened with the Opus Report for the Shopping Centre, as well as certain Reports for the Jewel@9. Those “opinions” come at a cost – which is not always borne by the developer. Neither is it a matter of the public record. It should be- especially if the ratepayer is paying for it – and the community has to rectify adverse impacts years later as a result of Council accepting incorrect technical data initially.

Recommendation:

That Planning Scheme Policies be amended to ensure that Councils can demand correction of technical data which is knowingly incorrect.

Building Height Definition and Building in a Flood Hazard area – Part 8 – Overlay Code

This amendment proposes to ensure that the maximum height of the building is to be no greater than 9.5m measured from the ground level. The reality is that, as happened here – tonnes of fill was brought in. That fill created detriment for adjacent residents. That detriment was never acknowledged or corrected. A subsequent height of 9.5m from ground level makes no allowance for the detriment already created with alterations to the existing height- prior to completion of building.

Recommendation:

The maximum height of buildings in a flood hazard zone is to be no greater than 9.5m, but consideration should also be given for previous upstream height increases that would cause greater detriment to downstream properties in a local or DFE – based on the history prior to upstream height increases.

Amendment No. 6 – Mon Repos/Sea Turtle Amendment

This is supported as proposed with the comment that a sea-turtle area overlay already exists for the region and has done for the past 2 decades. The problem has been that decision-makers and developers have ignored it – to improve their individual return to the detriment of our natural assets and the community.

Code assessability has allowed this detriment to escalate.

If Council is genuine in protecting our most valuable tourist attraction, our unique turtles, which cost us nothing – then Council should also be introducing a mandatory lighting code to go with the sea-turtle overlay. This should be developed in consultation with our local experts. After all we have some of the world's best. However, successive Councils have chosen to ignore them, and the valuable advisory groups which we should be supporting.

General- Kalkie Ashfield Growth Area.

The Kepnock District Centre was created to cater for the expected growth in the Eastern Corridor – represented by the Kalkie Ashfield area.

Most of the growth in that area will mean more storm-water run-off into the headwaters of Bundaberg Creek. The water will flow faster, there will be more of it and appropriate water detention and environmental measures for all future development to the East are critical.

Ultimately the growth, and extra storm- water run-off, exacerbated by the mapped medium to high storm tide inundation at the door-step of the Kepnock District Centre, requires good management by all future Councils – of the projected and expected growth in the Eastern Corridor.

A long-term vision – not a short term developer-driven financial master plan – must guide that growth. The State Government must have a critical role in over-seeing that growth. It needs to learn from the problems and outcomes evidenced within these pages and drill down to the deficiencies in the Planning Act which facilitated those detrimental outcomes here. The future growth in the Eastern Corridor will hit a storm-water and traffic driven stumbling block here at Kepnock, if the problems we identify are ignored – in the interests of political or local power agendas.

The front page of this submission is the answer to Council’s contention that the Kepnock Shopping Centre site “has flood immunity”. It doesn’t – and never has had. The 2013 floods dictated that the Kepnock District Centre/Bundaberg Creek/ FE Walker Street (106-128 Walker Street and the areas around the Jocumsen Drain) are in a flood hazard zone, with City-Coast traffic now increasing significantly. Protection of FE Walker Street from adverse storm-water/flooding impact must begin at the area west of the Ring Road Overpass (Wedge-Leaf Tuckeroo Bridge), where Council has approved a regional shopping centre. Over-topping of both the Jocumsen and Kepnock Drains are historical fact – but the latest Stormwater Report for the recently extended Shopping centre approval has FE Walker Street “becoming impassable” under the Overpass Bridge at least once annually. This is blatantly incorrect. Excluding an external riverine event, the local flooding occurs within the lack of capacity of the existing drains and upstream detention capacity. Neither is it “annually” at the site nominated in the Storm-water Report accepted by Council as correct – but based on an incorrect catchment area. The catchment underpinning the approval has been stated as 7.9ha less than the actual mapped catchment size. This surely casts doubt on the accuracy of the projections in a Flood Hazard Zone where the change of zone has increased the amount of storm-water by an extra 45% (from 0- 50% for residential and 0-95% for commercial) because of the larger impervious area created by massive roofs, and roadways in a vehicular-centric commercial Centre. This area was only ever planned to be low density residential. An analysis of the 1937 locality map shows this area is an extension of the Baldwin Swamp with the Kepnock Drain being a tributary of Bundaberg Creek.

We have provided our thoughts in this submission based on the lived experience of the last 9 years. Council and the State Government have already incurred approximately \$130,000 rectifying the adverse impact of allowing Kepnock Place to be built (24 homes) with no physical “on-site” detention. The jury is still out on the solution provided (relocating the Scherer Bvd. Drain at a 30 degree angle instead of at right angles).

There is not much that can now be changed – despite the examples of poor long term planning decisions instanced in this submission. The detriment will be incurred by others. Traditional shopping centres are not the flavor of the month, master planning for green-

field sites seems to have lost its practical benefits and developer financial returns – not local community benefit - have been the approval criteria.

We cannot change what has happened – but we raise the issues in the hope that future Town Plans and decision-makers will ensure the loss of community benefits at “**operational works**” stage of development approvals here – does not continue into the future.

As “**operational works**” stage our community lost

- The community footpath for Kepnock Place
- The community footpath for the Shopping Centre
- The community footpath for what would have been Masters- had they not been forced in financial liquidation.
- The physical “on-site” detention basin for Kepnock Place

At “**operational works**” stage –for development approvals on the adjoining parcel of the Santalucia Development Consortium’s land we have “*acquired*”- to the detriment of our community:-

- The “Masters Mound”- Mr. Santalucia received the “concession” of only having to pay \$100- instead of \$1600- for the permit to remove the stockpile of soil from the operational works for the Ministerially approved Masters. Masters went into liquidation – the Masters building pad remains bare of any grass cover (contrary to the requirements of the approval) and the Masters mound sits as a man-made obstacle at the top of a large catchment. It is a source of hooning and illegal dumping. Mr. Santalucia removed 2/3 of the stockpile but, despite the requirements of his concessional permit and attempts by Council, he refuses to remove the remainder, stating it is the top-soil component and he will only move it when it suits him. Council has either given up or given in. The mound remains.
- Abandoned commercial equipment-deliberately left on then residential A land adjacent to new homes. The site of 10 large concrete pipes is where Mr. Santalucia set up his machinery compound for the “operational works” during the construction of the nearby Aldi store. That was 10 years ago. The abandoned commercial equipment prevents maintenance of that area which is a haven for vermin, rubbish and illicit behavior – as well as snakes. The Council refuses to force him to remove them, justifying their lack of action by stating that the (mostly) overgrown rubbish dump next to homes “*would neither attract nor harbor*” snakes. Both Council and Mr. Santalucia have refused to participate in the requested independent mediation, so residents are now being forced to initiate legal action against both the Council and Mr. Santalucia to force the removal of the abandoned commercial equipment after several incidences of nearby residents having been menaced and placed at risk by venomous snakes.

So much for the detriment inflicted on communities during the “operational works” phase of local approvals in this area.

Ratepayers have also accepted, unbeknown to them, the future cost of Council’s decision to extend the existing Shopping Centre approvals for a further 6 years even though the current approval still had 2 years of currency and the receptor for all its storm- water was to be heritage listed.

As with the earlier Masters and Kepnock Place approvals, we have been advised that – if the engineering reports and detailed plans don’t come up to requirements at “operational works” stage – then the development won’t go ahead. Hopefully we can be forgiven for not feeling confident about that because major storm-water/flooding issues here will create significant detriment to all growth to the East – and that’s thousands of homes with huge amounts of storm-water.

WEAKNESS IN CURRENT PLANNING SCHEME – REGIONALLY.

Finally, we draw attention to the need for an amendment to the current Plan to avoid any repetition of the community angst that surrounded the Jewel@9.

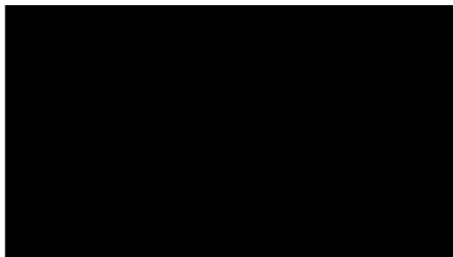
During the original (2014) consultation process for the current Town Plan, attention was drawn to the prospective future conflict if Council did not define “exemplary” development for purposes of height (among other things) that might exceed the recommended maximum of the Town Plan – especially in the Bargara area.

That submission came from none other than the State UDIA. Council chose to ignore their recommendation, in this instance – and the region paid a high price.

We submit Council should take this opportunity to define “*exemplary development*” because, as it is - it is subjective. It needs to be defined to assist planning officers in interpreting applications, to provide a clear picture for future investors and to satisfy community concerns which were very obvious during the Jewel@9 – now 6 – future.

Thank you for considering our concerns and hopes that the problems here will never be foisted on any other community. That can only be done by creating awareness and strengthening our current Town Plan to ensure compliance with its intent and policies.

Yours sincerely



Appendix 1

OUR SINKING SUBURBS

THE State Government has conceded that the Airport Link tunnelling work has caused subsidence under million-dollar properties in the dress-circle Brisbane suburbs of Clayfield and Kalinga.

This follows expert reports that the \$4.8 billion twin tunnel project also worsened flooding in the area.

The details of subsidence are contained in documents obtained by Gerrard Winter, who began a search for answers when a dozen sinkholes appeared in his yard after the tunnel boring machine passed under his home at Lodge Rd, Kalinga, nine years ago.

Winter has studied hundreds of reports and concludes the Airport Link tunnels were not built exactly where the original drawings said they would go.

Winter speaks with authority. He worked as an engineer and holds a Master of Science degree from London's Imperial College and a doctorate in engineering from the University of Queensland.

"Our sinkholes appear over the crown of the tunnel," he said.

"As night follows day, the tunnelling caused the problems."

Shamefully, the State



Government, the contractor and the new tunnel owner, Transurban, attempted to bury the problem. They declined interview requests.

Ground movements have caused serious structural damage to other homes in the area.

The Department of Transport and Main Roads, which commissioned Airport Link, is now attempting to broker a settlement between Winter, the contractor Thiess John Holland and Airport Link owner Transurban.

Winter broke his silence after discovering what he believes to be anomalies in the design and approval process. Winter has both Airport Link tunnels running under his property.

About 200m away in Lewis St, Clayfield, Christine le Poidevin has five sinkholes, and fears her house is slowly slipping away. She has more than 20 yellow sticky Post-it notes on cracks in timber and brickwork under her house.

Upstairs there are broken tiles and uneven floors and cracks in walls wide enough to let in light.

"We have filled in many sinkholes in our backyard," le Poidevin said.

"We fill them in, but they keep reappearing."

She realised the extent of the disaster when she began

a bathroom upgrade.

"The builder discovered a hollow under our home and refused to proceed," she said.

"We have a significant drop in the bathroom floor, the vanity has separated from the wall, and a gap in our bathroom wall where tiles have been dislodged. You can see daylight through the cracks."

Outside paving has collapsed or is seriously cracked and a fence is askew.

Le Poidevin said she began complaining years ago. But her complaints were ignored.

This week she called on Transport Minister Mark Bailey to intervene. She said the Airport Link project deed

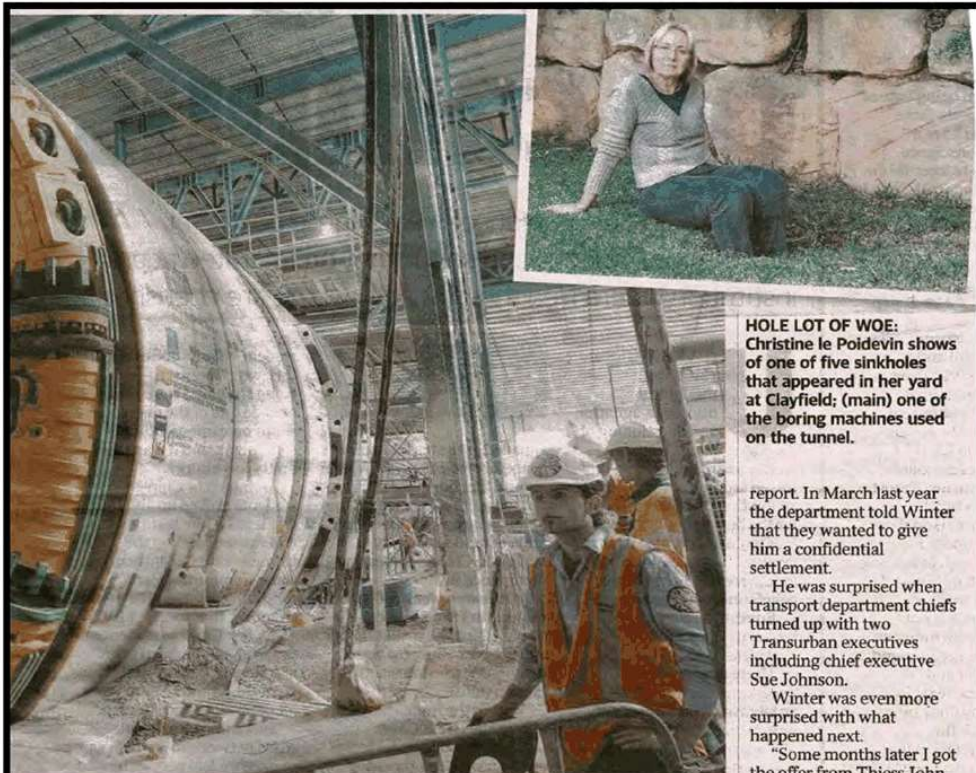
requires the contractor to remediate any damage promptly or pay compensation.

"My husband and I have been trying to have remedial work done with no joy.

"Thiess John Holland simply denied responsibility.

"We also made repeated requests for help from the Department of Transport and Main Roads."

Winter said the State Government was aware of subsidence problems even before the tunnel opened in 2012. The department repaired cave-ins on the road near his home. Le Poidevin said Brisbane City Council also knew of subsidence problems



“
You can see daylight through the cracks

and twice had to fix water mains that cracked after subsidence.

Cameron Russell, whose Clayfield residents' action group has been campaigning for flood mitigation work, said the subsidence was devastating for families. "We have been calling for a commission of inquiry," he said. "This strengthens our case."

Russell is right. The buck-passing and attempts by a State Government to hide the problem is scandalous in my view.

After studying dozens of engineering reports on Airport Link, Winter concluded the route of the tunnel was changed during construction and did not go through solid rock as originally planned.

"They lifted the tunnel to save excavation costs, but I believe they lifted it too far," he said.

"And I can prove it."

Winter said the tunnel was 10m higher in some places, especially near the entry and exit portals.

A follow-up investigation by the main roads department led to a report in 2017 confirming the tunnels caused subsidence.

"They refused to hand it over, even though they initially agreed to do so," Winter said.

After a legal tussle the department relented and gave Winter the damning

HOLE LOT OF WOE:
 Christine le Poidevin shows of one of five sinkholes that appeared in her yard at Clayfield; (main) one of the boring machines used on the tunnel.

report. In March last year the department told Winter that they wanted to give him a confidential settlement.

He was surprised when transport department chiefs turned up with two Transurban executives including chief executive Sue Johnson.

Winter was even more surprised with what happened next.

"Some months later I got the offer from Thiess John Holland offering to buy the house, but they offered no compensation.

"There is no way I could buy a similar house in this area for what they were offering."

Thiess John Holland's parent company CIMIC declined to comment.

Transurban washed its hands of the problem.

"We purchased Airport Link in 2016, four years after the tunnel was constructed by Thiess John Holland," Johnson said in a statement.

"The contractor is responsible for resolving any complaints of property damage proven to be caused by construction."

Newman calls for end to water torture

Courier Mail 22-6-19
DES HOUGHTON

FORMER Premier Campbell Newman last night said he believed the \$5.4 billion Airport Link project had worsened flooding in Brisbane's Kedron Brook and Eagle Junction Creek catchments.

And he said Brisbane City Council and the State Government should not "capriciously" dismiss residents' complaints.

"If the work wasn't done right and the flooding was exacerbated, these people may need to be compensated," he said. "My heart goes out to them."

At least 70 families in low-lying Clayfield and nearby suburbs said 'flash-flood' heights soared dramatically after the twin-tunnels project was completed by the Bligh government in 2012.

A Clayfield residents' action group commissioned an independent study that confirmed vital Airport Link flood mitigation works, including the widening of Schulz Canal and the excavation of tens of thousands of cubic metres of earth, were not completed.

Action group president Cameron Russell said alarm bells rang when his Milman St home in Clayfield was swamped after a three-hour downpour in 2015, a year after he purchased the property.

He said he was "amazed" when councillor David McLachlan confirmed the 2015 floodwaters were higher than those recorded in Brisbane's catastrophic 1974 flood.

Mr Newman said "the people deserve a fair go".

"Governments shouldn't capriciously ignore people who have been harmed in this way," he said.

He said the council should lobby the Government, which built the tunnel, to conduct a hydrological study, or the council should do one itself.

The council had a good track record in flood management, Mr Newman said, and he hoped that would continue.



WATER LOGGED: Cameron Russell. Picture: AAP/Josh Woning

Appendix 2

Property Subject to Submission:
Property Address: Baldwin Swamp (unlisted)
RPD:
Summary of Submission:
The submission outlines information relating to potentially listing the Baldwin Swamp wetlands as a Local Heritage place. Much detail regarding the site has been submitted.
Council Response to Submission:
The significance of each place within the advertised list was determined through the application of heritage criteria. The best practice framework for the conservation of tangible cultural heritage in Australia is the Burra Charter (2013). According to the Burra Charter, a place is considered significant if it possesses aesthetic, historic, scientific or social value for past, present or future generations.
Baldwin Swamp <u>does not meet</u> the requirements as assessed against the Burra Charter for being considered for local heritage significance. However, Council does <u>note its environmental and community significance, and this is protected under other mechanisms within the draft planning scheme, specifically through the zoning and overlays.</u>

Submission M24

Bundaberg Regional Council
Development Counter
Level 6, Auswide Building
16-20 Barolin Street
BUNDABERG QLD 4670.

BUNDABERG REGIONAL COUNCIL
Development Front Counter
RECEIVED: 21-10-2019

Objective ID: _____
Retention Code: _____
Box Number: _____

21st October 2019.

SUBMISSION TO BRC OPPOSING PART OF THE PROPOSED AMENDMENT NO 5. SECONDARY DWELLINGS.

[REDACTED]

FACTS & CIRCUMSTANCES SUPPORTING THE GROUNDS OF OUR SUBMISSION.

BRC Proposed change: - The secondary dwelling not to exceed 60m2.

Our main objection to the proposed amendment, is the reduction from 80m2 to that of 60m2 for a secondary dwelling on our existing property. In March we visited BRC to enquire about the possibility of adding a secondary dwelling. We have contacted a builder and also MGA Building Systems to discuss plans. At that time we felt that 80 sq. metres would meet our needs. We have an adult son who has an intellectual / physical disability and our aim is to have him in his own comfortable safe space within close proximity to the family environment.

Since the introduction of the NDIS (National Disability Insurance Scheme) we have realised that one of the aims is that people with a disability have choice and support. One of their NDIS goals, is that the customer can have supported independent living. That is our plan for our son, however, given the proposed reduction of 20 square metres we are of the view that a 60 sq. metre dwelling is not going to meet our needs sufficiently. Having a disability, a person can require a larger than usual living space in areas like Bathroom, Shower, Toilet, & Bedroom. When a support person (family or other) needs to assist the person with a disability to actively engage in their daily routine, they will require sufficient space to achieve this in a comfortable and safe manner.

Our existing residence is situated on a 6358 square metre allotment, and the proposed citing of the secondary dwelling is going to be at the rear of the house. The distance would be approximately 1 metre between gutters. The remaining proposed amendments regarding *Secondary Dwellings* are not of a real concern, as they can be met, at a cost.

We would sincerely hope that BRC would allow for "consideration of special circumstances" should the reduction in size from 80 sq. metres to 60 sq. metres become council policy, especially in areas with allotments over 2,000 or 4,000 sq. mtrs.

Our reasoning for this being that our home is on a large allotment and we are of the opinion that the aesthetic views from the street or adjoining neighbours would not be compromised in any way by an 80 sq. metre dwelling.

[REDACTED]

[REDACTED]

Submission M25

From: [REDACTED]
Sent: Monday, October 21, 2019 12:38 PM
To: ceo@bundaberg.qld.gov.au ; Evan.Fritz@bundaberg.qld.gov.au
Subject: BRC Reference -- Planning Scheme Amendment Attention Evan Fritz

The following is our response to your letter [with attachments] dated 18/9/2019 relative to the proposed amendment to the BRC Planning Scheme for our property at [REDACTED] Bundaberg North, described as [REDACTED]. The names, together with postal and residential address also follows.

[REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]

We hereby support the proposed changes primarily based on this change being, in part, the fruition of our previous requests for this proposed Amendment to the current zoning of our land.

[REDACTED] Signed [REDACTED]
[REDACTED]
[REDACTED] Signed [REDACTED]

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<http://www.mailguard.com.au/mg>

[Report this message as spam](#)

Submission M26

From: [REDACTED]
To: [Development](#)
Subject: Amendment No 5 Submission
Date: Monday, 21 October 2019 3:14:16 PM

To Whom it May Concern

Person completing submission is [REDACTED]
[REDACTED]
[REDACTED]

Area of concern -zoning changes to recognise current land use, further development intent and correct errors.

Issue 1

Our property to be rezoned so factories can be built on our land.

Although this is a very positive step economically for the community and surrounding areas it does leave home ownership in this area in a quandary. We have owned this land for 30 years and will be our retirement home. If this is rezoned for factories why would we want to live in a factory area for retirement!

Issue 2

We move back to retire but then we find we are not able to complete any renovation due to house being rented. What do we do then?

Issue 3

Cannot sell because who would want to buy when there are so many encumbrances on the property therefore the value for the property decreases.

Issue 4

When sending planning documents to owners please be mindful that we are not environmental plan developers but ordinary citizens therefore information should be clearer and written in plain English.

Issue 5

Is the land going to be reclaimed for infrastructure or rezoning as information is never clear.

Yours sincerely

[REDACTED]

Submission M27

I am an owner of Lot ## in Kookaburra Park Eco-village. I am very pleased that the Allen Brothers' Hut in the scheme is proposed for inclusion as a local heritage place. Please keep me informed of the progress.

Submission M28


From: [REDACTED]
To: [BRC CEO Incoming](#)
Subject: PROPOSED AMENDMENT TO THE BUNDABERG REGIONAL COUNCIL PLANNING SCHEME; [REDACTED]
Date: Monday, 21 October 2019 8:03:46 AM

21 October 2019
 Bundaberg Regional Council
 PO Box 3130
 BUNDABERG Qld 4670
 Mr Evan Fritz
 RE : Proposed amendment to the Bundaberg regional Council Planning Scheme;

SUBMITTED BY: [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Please be advised we have received your correspondence regarding the above subject. We wish to advise that we do not object to Councils proposed plan to include The Gin Gin Station homestead as a Heritage Listed building. However, we **DO OBJECT** to our property being affected by this proposal. We do not agree that our property should be affected by any future restrictions that may arise from this proposal. We do not agree our property should be included in the Heritage Listing overlay. The Gin Gin Station Homestead building is situated on the Eastern side of the Walkers property, closer to the Bruce Highway. Our property boundary is approximately 3 kilometres from the Bruce Highway. The Gin Gin Station Homestead building is not visible from our property. We do not see the necessity for our property to be in any way encompassed in the Heritage Listing proposal of the Gin Gin Station Homestead building. In reading your proposed submission it would appear that you are proposing to Heritage List the entire land holdings of Gin Gin Station; not just the building. The Department of Main Roads arterial infrastructure and adjacent Rest area would have more impact on the Gin Gin Station Homestead building than anything on our property would. We understand how the blanket rule to encompass adjoining properties in Heritage listed structures is relevant in an urban situation where buildings have only a few meters between them (eg Childers main street Heritage listed buildings). However in a rural setting such as ours where there are thousands of meters between our property boundary and the subject building, I do not believe the overlay should be applied.

[REDACTED]
 [REDACTED]

 Virus-free. www.avg.com



Submission M29



Gin Gin 4671

21 October 2019

Bundaberg Regional Council Strategic Planning.

P.O BOX 3130

Bundaberg 4670

Dear Team,

We are writing to object to the proposal of the inclusion of [redacted] being included in this amendment.

We are concerned about the possible implications and or restrictions on how we use this portion in the future.

We are concerned that we are unnecessarily con joined to the adjacent property where the "Homestead" is situated.

[redacted]. We see no benefit in being linked in any way to the portion of land that has historical significance.

We are concerned that general rate payers money and taxes may be directed towards a private home.

Yours Faithfully [redacted signature]

[redacted contact information]



Submission M30


21 October 2019

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



Att: Steve Johnston



Dear Steve,


Submission: Proposed Amendments to the Bundaberg Regional Council Planning Scheme

 has reviewed the Bundaberg Regional Council (**Council**) proposed amendments to the Bundaberg Regional Council Planning Scheme (**Planning Scheme**) and submits the following:

1. Proposed Planning Scheme Amendments

 submits that there is a deficiency in the proposed Planning Scheme which results in any development in relation to a cane railway being impact assessable development, even where it is located on rural land or land previously used for a railway or cane railway purpose. The options available for rectifying this deficiency are an amendment of the Planning Scheme or the implementation of a Temporary Local Planning Instrument (**TLPI**).  submits that it would be an expedient saving of future Council, developer and Government resources if the deficiency were rectified through the proposed amendment to the Planning Scheme.

In 2017 and 2018  applied for and obtained TLPI 2/2017 and TLPI 2/2018 so that  cane railway development received an appropriate level of assessment and was protected from incompatible development. To achieve those purposes the TLPI suspended assessment tables 5.4.13 (Environmental management and conservation zone), 5.4.14 (Community facilities zone) and 5.4.17 (Rural zone) for development



for material change of use for a Utility installation; suspended assessment table 5.4.17 (Rural zone) for development for material change of use for a Dwelling house; set the level of assessment for material change of use for a Utility installation and Dwelling house; and identified assessment criteria.

██████ notes that in the proposed Planning Scheme, Council has not amended the Planning Scheme in respect of cane railway development to reflect the levels of assessment and to afford the protection from incompatible development that were provided through the TLPI process.

With the Planning Scheme not having been amended to accommodate development in relation to cane railway, ██████ planned expansion of sugar cane production through the Gayndah Region Irrigation Development project will require approval of a further TLPI. The time and cost imposts of obtaining further TLPI's for the same type of development could be avoided and the process made more efficient for ██████ and local and State Governments by including an amendment to the Planning Scheme to accommodate cane railway development.

██████ respectfully submits that Council amend its Planning Scheme to firstly allow cane railway to be a separately defined use rather than a part of the defined use of utility installation and secondly, to reflect the assessment requirements for the cane railway use as summarised above and set out in the table of assessment in TLPI 2/2018. These Planning Scheme changes would achieve a more efficient approvals pathway for future development of cane railway.

2. Proposed Zoning Amendments

██████ acknowledges that ██████ Lot 81 on SP280896 which forms part of the Cordalba to Booyal cane railway corridor has been included as a proposed zoning amendment to reflect realignment of boundaries between Lot 81 on SP280896 and Lot 3 on AP19360, and concurs with Council's approach.

3. Proposed Mapping Amendments

██████ acknowledges that the Cordalba to Wallaville cane railway and buffer area has been included in the proposed mapping amendments as per TLPI 2/2018 to seek to protect the cane railway corridor and to avoid potential land use conflict, and concurs with Council's approach.



4. Local Heritage Place

█ notes that the proposed amendment to Schedule 6 – Planning Scheme Policies includes 12 additional local heritage places. One of those 12 additional places is Isis Central Sugar Mill. The associated place card includes the further detail that sets out why ICSM has been included.

█ has reviewed the place card in respect of Isis Central Sugar Mill and submits that Council should:

- remove Lot 2 on RP78038 from the place card as the land includes a railway stock yard and modern concrete sleeper area; but nothing of historical significance;
- acknowledge that only that part of Lot 2 on RP158560 containing the current office is affected by the requirements for development on a local heritage place; and
- amend the reference to Lot 7 on SP173087 to Lot 1 on SP257664 as the former lot description is no longer current.

█ understands the reason for identifying local heritage places and the importance of retaining the region's history. However, █ submits that Isis Central Sugar Mill's inclusion places █ at a disadvantage to the other operating sugar mills in the region when seeking to undertake development on its site.

█ would appreciate Council's explanation why only one of the three operating sugar mills in the region is proposed to be added as a local heritage place when all three have strong historical ties to the region.

To avoid Council creating unfair biases among competitors in the local sugar industry █ submits that Council should not add Isis Central Sugar Mill as a local heritage place until all three operating sugar mills can be added as local heritage places at the same time.

If you have any questions in respect of █ submissions please contact the

█

Yours faithfully

█

█

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Submission M31

21 October 2019

Chief Executive Officer
Bundaberg Regional Council
PO Box 3130
Bundaberg Qld 4670
Via email: development@bundaberg.qld.gov.au

Dear Chief Executive Officer

RE: Submission regarding Bundaberg Regional Council Planning Scheme 2015 Amendment No. 5 (Major Amendment)


We act on behalf of [REDACTED] Burnett Heads, formally described as [REDACTED]. This is a submission in relation to the Proposed Amendment No. 5 to the Bundaberg Regional Council Planning Scheme, both generally and as it relates to the subject site.

Background

The subject site:

- a) is located at Lot 20 SP234427;
- b) is situated on Rowlands Road, Burnett Heads QLD 4670;
- c) is 68.85 hectares in area;
- d) is irregularly shaped, with multiple road frontages including an unnamed road No. 4566 to the west (around 650m), Crossentt Street in the east (around 650m) and Stan Faulkner Road in the south east (around 270m);
- e) has a perceived frontage to Rowlands Road in the north (around 660m over 2 sections), however a Council owned parcel of land (1RP7194) separates the land from the road reserve. Easement CRP207113 appears to provide access rights from Rowlands Road to the site.
- f) is burdened by various other easements including Easements ARP165118, BSP205515 and DRP207113;
- g) is currently being used to hold cattle, and appears from historic aerial imagery to have been previously used for cropping activities.

With regard to the current planning framework, the site:

- a) is within the Regional Landscape and Rural Production Area of the Wide Bay Burnett Regional Plan ("Regional Plan");
 - b) is within the Bundaberg Region Local Government Area and within the Bundaberg Regional Council Planning Scheme 2015 Version 4.1 ("Current Planning Scheme") area;
 - c) is within the Rural Zone of the Current Planning Scheme;
 - d) is within various Current Planning Scheme overlays including Acid Sulfate Soils and Coastal Protection (Sea Turtle Sensitive Area);
- 



- e) is within the Flood Hazard Area Resolution 1/2018 (namely the Flood Hazard Area and the Localised Defined Flood Event area);
- f) is partly within the Bundaberg State Development Area (“SDA”) and consequently partly subject to the Bundaberg State Development Area Development Scheme (“SDA Scheme”);
- g) is within the Infrastructure Corridors and Support Industry Precinct of the SDA Scheme.

Council have asked for feedback on Amendment No. 5 (Major Amendment) (“proposed amendment”).

In short, the proposed amendment to the Current Planning Scheme insofar as it relates to the subject site:

- a) Rezones the 31 hectare part of the site within the SDA from “Rural” to “Special Purpose”.
- b) Creates a new Zone Code for the Special Purpose Zone. In general terms the purpose and overall outcomes of the zone align with the SDA Scheme preferred development intent.
- c) Amends Table 9.3.4.3.2 to prescribe a minimum lot size of 4,000sqm in the Special Purpose Zone.
- d) Nominates 6 hectares of the subject site along the unnamed road to the west to be within the Gas Pipeline Buffer of the Infrastructure Overlay. We understand this is an update to reflect the completion of the Port Gas Pipeline.
- e) Rezones the c.13m wide strip of Council owned land adjacent to Rowlands Road from “Rural” to “Industry”

Grounds for submission

The Proposed Amendment is supported in general terms; particularly as it recognises the development and subdivision potential of the western 31 hectares of the site. Notwithstanding, we are of the view that the time is right to also recognise the potential for the remainder of the site to be used for an urban purpose in the future.

The SDA was adopted after the original Planning Scheme. The SDA is likely to result in substantial investment, jobs and development interest in this area of Burnett Heads. This will now be recognised in the Planning Scheme. This area of Burnett Heads is changing. The Burnett Heads Marina Development, including a 273 berth marina with a mixed-use marina village, short and long stay accommodation, retail and other facilities will commence construction shortly. Further, the RV Lifestyle Village development, located directly to the east of the subject site, will be made up of some 487 homes, parks and recreation facilities. As a consequence, the Burnett Heads locality can expect development pressure as the development industry looks to seek out opportunities associated with the growth created by the port, marina and other developments.

We feel that such a change to the character and strategic importance of Burnett Heads has given Council a unique opportunity to amend the Planning Scheme to recognise large, strategically located landholdings near the SDA, and nominate them for potential conversion to an urban purpose in the future. Such landholdings could play a supporting role for the SDA, but also provide important buffer elements to it, as well as the orderly delivery of supporting infrastructure in the area (such as road upgrades and other urban services).



We believe the subject site represents an ideal opportunity for conversion to an urban purpose in the future. It is a large, single landholding. Industrial uses are now anticipated on the western 31 hectares. To the east of the site, across Crossett Street, will be the recently approved RV Lifestyle Village development.

Major Amendment No. 5 provides a timely opportunity, in light of recent planning circumstances, to recognise this potential.

With the above matters in mind, we make the following three (3) recommendations for Council's consideration:

#1 Amend the Special Purpose Zone Code to more expressly support subdivision for 4,000sqm lots

Consistent with the amendment to Table 9.3.4.3.2 which outlines a minimum lot size of 4,000sqm in the Special Purpose Zone, the corresponding Zone Code in Part 6 should be amended to indicate support for such subdivisions.

We understand Council has jurisdiction over Reconfigurations of a Lot in the SDA portion of the site, so it is important that the intent for the zone is clear.

#2 Rezone the eastern portion of Lot 20 SP234427 from "rural" to "emerging community"

In recognition of the urbanising nature of this part of Burnett Heads, particularly as it relates to the subject site, Council should take this amendment opportunity to place the eastern portion of Lot 20SP234427 within the Emerging Community Zone. The stated purpose of the Emerging Community Zone is to provide for the timely conversion of non-urban land to land for urban purposes.

The individual site circumstances support this rezoning. In particular:

- The site is a large landholding, and redevelopment would need to take on a 'whole of estate' approach. This would enable, for example, a diversity of residential product, integration with surrounding development with regard to connectivity, and coordinated buffer elements to sensitive uses.
- The rural zoned part of the site will be flanked to the west by the Special Purpose Zone, which anticipates industrial and supporting infrastructure, and to the east by the RV Lifestyle Village Development. An urban development on the site would connect these two areas, rather than represent piecemeal urban development.
- Any fragmentation of existing agricultural activities would be minimal. The site effectively represents the northern extent of the cropping area of Burnett Heads and Bargara.
- At face value, it appears there are solutions in order to service the site with urban services such as reticulated water and sewer and electricity.



- There appear to be solutions in order to achieve appropriate flood immunity. The adjacent RV Lifestyle development has found engineering solutions to deal with these matters, and based on Council's mapping it would appear to be subject to a comparable level of flood hazard. Anecdotally, [REDACTED] has advised that the property did not flood during the last flood in Bundaberg.
- Whilst the site is not within the urban footprint of the Regional Plan, the Council have an ability to place the site in the emerging community zone. This is evidenced by the fact the RV Lifestyle site is within the emerging community zone but not within the urban footprint.
- The zone does not provide for 'as of right' development, but will recognise that the site may be suitable for urban purposes at some point in the future, subject to a detailed structure planning analysis and assessment of existing services.

The proposed additional rezoning is shown conceptually in Figure 1.



Figure 1: Proposed and suggested rezoning to Lot 20 SP234427



#3 Amendments to the Coastal Urban Growth Area Local Plan

- *Include the non-SDA portion of Lot 20 SP1234427 within the “area subject to coastal urban growth area Local Plan” on Figure 7.2.1 (i.e. include it within the red outline)*
- *Nominate the non-SDA portion of the site as a residential area on Figure 7.2.1 (i.e. shade it pink)*
- *Amend the buffer element of Figure 7.2.1 to indicate an ‘acoustic and amenity buffer’ between the special purpose zone to the west and an ‘agricultural land buffer’ to the rural land to the south*

Following on from recommendation 2 above, it would make good strategic planning sense to include the non-SDA portion of the subject site within the Coastal Urban Growth Area Local Plan area. This provides Council with the ability to tailor the long-term development outcome to the purpose and overall outcomes of the Central Coastal Urban Growth Area Local Plan.

It is acknowledged, consistent with the note to Figure 7.2.1, that “the land use areas on this figure are indicative only and represent a conceptual response to the overall outcomes and assessment criteria of the Central coastal urban growth area local plan code.”

A consequential amendment to the ‘buffer’ element of Figure 7.2.1 would also be warranted, to ensure sensitive transitions to anticipated uses on adjoining sites.

The proposed change is represented conceptually in Figures 2 and 3.

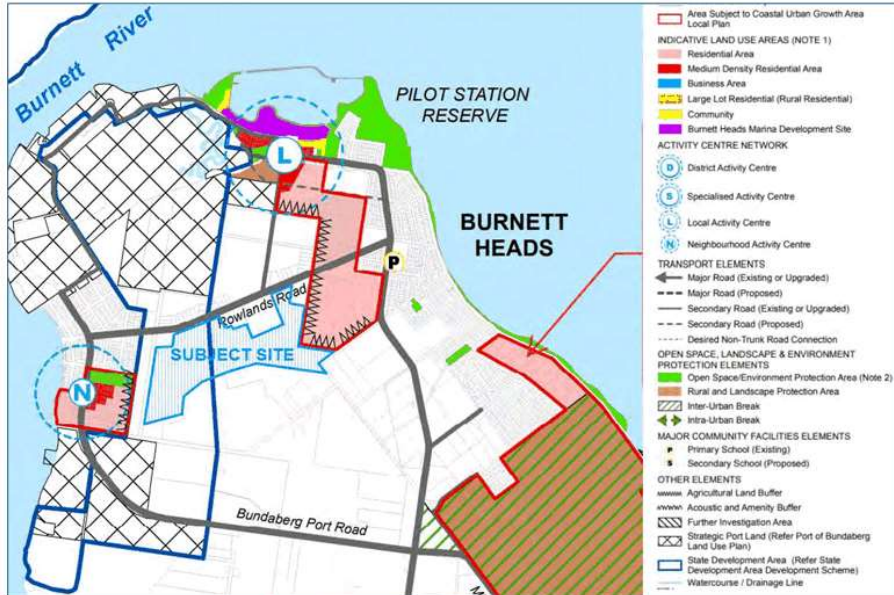


Figure 2: Council Proposed Amendment No. 5 to Figure 7.2.1

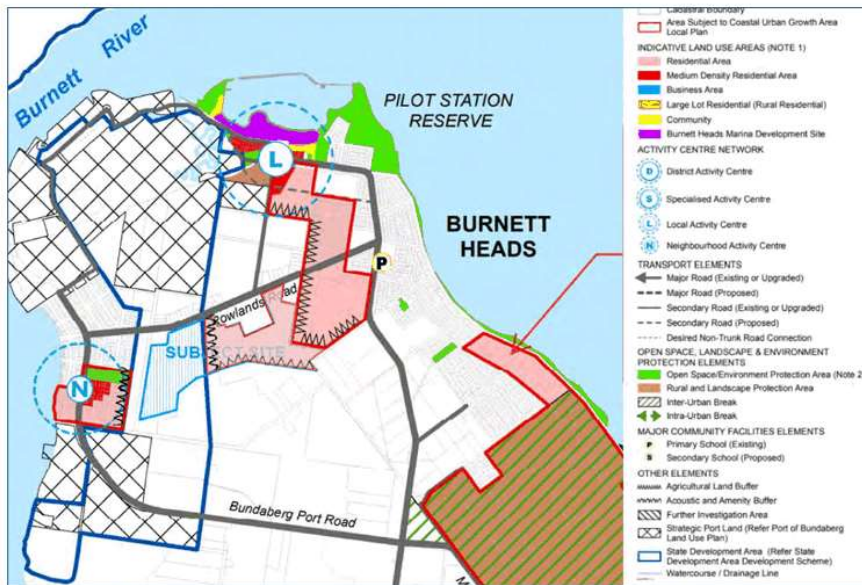


Figure 3: Suggested further amendment to Figure 7.2.1 as it relates to Lot 20 SP234427



Conclusion

We thank Council for the opportunity to make this submission.

Please contact [redacted] if you require further information.

Yours faithfully

[redacted]

[redacted]

[redacted]

[redacted]

Submission M32

BUNDABERG REGIONAL COUNCIL
Records Office

RECEIVED 15 OCT 2019

Objective ID: _____
Retention Code: _____
Box Number: _____

[REDACTED]

11th October 2019

Mr. E. Fritz
Manager Strategic Planning
Bundaberg Regional Council
PO Box 3130
BUNDABERG QLD 4670

Dear Mr. Fritz,

RE: Proposed amendment to the Bundaberg Regional Council Planning Scheme
[REDACTED]

I refer to your letter dated 18 September 2019.

After meeting and consultation with representatives from the Coordinator General's Department, we were informed that our property would be classified as a "Rural Buffer Zone" in the SDA, this we accepted and planned around.

Now Bundaberg Regional Council has a proposed zoning change from the Current Zone "Rural" to a Proposed Zone "Special Purpose".

Please inform us:

1. What activities does "Special Purpose" allow "AS OF RIGHT".
2. What activities does "Special Purpose" allow "WITH CONSENT".
3. What activities does "Special Purpose" "NOT ALLOW".
4. What is the rating zone formula for "Special Purpose"

We request that you supply this information so that we are able to arrive at an informed decision.

[REDACTED]

C.C. Coordinator General's Department

Submission M33

From: [REDACTED]
To: [Evan Fritz](#)
Subject: Re: Bundaberg Planning Scheme - Proposed Amendment
Date: Sunday, 27 October 2019 7:17:19 PM
Attachments: [REDACTED]

Good Morning Evan,

I had been called away on business to Mackay and unfortunately had nil access to lodge the submission that we had spoken about.

As we had discussed, the amendment to the planning scheme for [REDACTED] Burnett Heads described as [REDACTED], I would like to have it assessed as Industry Zone as it better suits my usage and location.

My apologies for the lateness but would like to confirm my agreement of what we have spoken about in your offices.

Yours faithfully

[REDACTED]

This message is intended only for the use of the individual or entity named above and may contain information that is confidential and privileged.

If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited.

If you have received this communication in error, please notify us immediately by telephone and destroy the original message.

Submission Q01

From: [REDACTED]
To: [BRC CEO Incoming](#)
Subject: re: Proposed amendment No. 6 - Shelley Street, Burnett Heads
Date: Saturday, 21 September 2019 10:16:35 AM

Good morning,

I have been reading through the proposed amendment No. 6 which affects my block of land [REDACTED]. I am particularly concerned with the outcome for PO4, namely AO4.2 which states that all windows are to be shielded with external fixed louvres. I just want to confirm that I am understanding it correctly, it reads "all windows are shielded with external fixed louvres" so does that mean that every single window on all sides of the house need to be fitted with louvres?

I am really hoping that I have misinterpreted that statement somehow as having louvres on every single window would be far from ideal for numerous reasons.

Thank you for your help, have a good day!

Kind regards,
[REDACTED]

Submission Q02

[REDACTED]

[REDACTED] Burnett Heads, 4670 [REDACTED]

4th October 2019

Bundaberg Regional Council
PO Box 3130
BUNDABERG QLD 4670
ceo@bundaberg.qld.gov.au

Submission of Support Map 2 TLPI 1/2018 current zone:

To The Chief Executive Office

I am writing to you today to lodge my submission for the zoning of the land at Shelley Street, Burnett Heads to remain as the current zone Map 2 TLPI 1/2018, LDZ2 Mon Repos Turtle Conservation Area Precinct zone with limited development. This Submission cancels my previous submission for proposed zone lodged on the 23rd September 2019 due to a misunderstanding of what the proposed zoning would mean.

The grounds of my submission in support of TLPI 1/2018 zone LDZ2 are as follows:

- I wish to help ensure an appropriate level of protection to the region's nesting turtle population.
- I wish to have less development in the Shelley Street Turtle Conservation Area Precinct to keep the glow of lights and noise from coastal communities to a minimum.
- I wish to keep traffic to a minimum.
- I wish for peace and quiet to remain.
- I wish for existing views to remain.
- I wish to keep Wildlife (Kangaroos)
- I wish to keep house prices up and not declining.

The facts and circumstances relied on in support of my grounds:

- Turtles are a big part of our tourist industry and attract many visitors to the area.
- This helps support our region's economy greatly, including my own business which is totally dependent on the continuation of the turtles returning to Mon Repos to nest.
- Turtles need dark beaches and can't change their behavior towards light so it's up to us to help maximise nesting success and hatching survival rates by keeping artificial lights to a minimum.

Thank you for giving me the opportunity to provide a support submission.

Kind Regards

[REDACTED]

[REDACTED]

[REDACTED]
BURNETT HEADS Q 4670

[REDACTED]

Submission Q03

[REDACTED]

4th October 2019

Evan Fritz
Manager Strategic Planning
Bundaberg Regional Council
PO Box 3130
BUNDABERG QLD 4670

BUNDABERG REGIONAL COUNCIL	
Records Office	
RECEIVED:	09 OCT 2019
Objective ID:	_____
Retention Code:	_____
Box Number:	_____

Dear Sir

**PROPOSED AMENDMENT TO THE BUNDABERG REGIONAL
COUNCIL PLANNING SCHEME**
[REDACTED] **SHELLEY STREET BURNETT HEADS**
Lots [REDACTED]

As the owner of the above land I wish to support the proposed zoning and precinct (2000m²) as outlined in your letter of 16th September 2019.

Yours sincerely

[REDACTED]

Submission comments

I believe that the TLPI that relates to the lots in Shelley St Burnett Heads be removed and replaced with the amendments as outlined that protect the environment and still support controlled development.

Submission Q04

Thank you for taking the time to provide your feedback.

Submit via email

PRIVACY NOTICE: Bundaberg Regional Council is collecting the personal information you supply on this form for the purpose of receiving a 'properly made' submission on the proposed amendments to the Bundaberg Regional Council Planning Scheme. Some of the information may be provided to the Department of State Development, Manufacturing, Infrastructure and Planning for the purpose of providing a summary of matters raised in submissions. Your personal details will not be disclosed to any other person or agency external to Council without your consent you have given Council permission to do so, or we are required by law.



Submission comments

I see not justification the the TLPI that relates to the lots in Shelley Street Burnett Head be in place and ask for it to be removed and replaced with the amendments as outlined in Amendment 6 on the previous page that protects the environment and still supports controlled development

Submission Q05

Thank you for taking the time to provide your feedback.

Submit via email

PRIVACY NOTICE: Bundaberg Regional Council is collecting the personal information you supply on this form for the purpose of receiving a 'properly made' submission on the proposed amendments to the Bundaberg Regional Council Planning Scheme. Some of the information may be provided to the Department of State Development, Manufacturing, Infrastructure and Planning for the purpose of providing a summary of matters raised in submissions. Your personal details will not be disclosed to any other person or agency external to Council without your consent you have given Council permission to do so, or we are required by law.

Submission Q06

14 October 2019

The CEO

The Bundaberg Regional Council

Re: Proposed amendment to the Bundaberg Regional Council Planning Scheme.

I am in receipt of your letter dated 16 Sept 2019, which proposes changes to the planning scheme to provide a greater level of protection for the Mon Repos Regional Park and sea turtles from the effects of urban development through siting, design, reconfiguring, and domestic lighting provisions.

It also provides advice that the zoning changes to the land to the east of Shelley Street and in particular the land affected by TLPI 1/2018, will change to Rural Residential (RRZ1) as per your map 3.

Your letter also states in dot point 3, Zoning changes to the land at Shelley Street, Burnett Heads to ensure that the development is of an appropriate scale, intensity and configuration to provide a greater level of protection for the Mon Repos Regional Park and sea turtles from urban development.

I find that this letter is extremely vexatious and is an affront to the community of Burnett Heads.

The letter at no stage details the size of a Rural Residential Blocks.

Further investigation of the council's web site reveals

"The amendment provides a longer-term policy response to the ministerial direction notice given to Council on 19 February 2017, and the interim controls put in place through Temporary Local Planning Instrument 1/2018 (Protection of the Mon Repos Turtle Conservation Area)

This amendment includes:

A sea turtle sensitive area overlay code to ensure assessable development in coastal areas avoids adverse impacts on sea turtles, including impacts from artificial lighting;

Zoning changes to include land at Shelley Street, Burnett Heads (currently included in the Emerging community zone) in the Rural residential zone – Precinct RRZ1 (2000m2 minimum lot size area);

Changes to other parts of the planning scheme, including the Advertising devices code and Nuisance code”

If I apply the council minimum lot size to the current blocks on Shelley Street it would indicate that each 5 acre block can be subdivided into 10 blocks a total of 100 extra houses.

This development is not in the interest of a greater level of protection for the Mon Repos Regional Park and sea turtles from urban development.

I therefore wish to register my disapproval of the proposed change to the zoning of the land to Rural Residential Zone 1.

I do however support the zoning of the land as described by the State Government TLPI 1/2018 which maintains the minimum block size to 5 acres.

Yours sincerely,

██████████

██████████

Burnett Heads

Submission comments

16/10/2019

CEO
Bundaberg Regional Council
PO Box 31130
Bundaberg Qld 4670

Submission Q07

Submission: Amendment No. 6 (Mon Repos/Sea Turtle Amendment)

Your letter dated 16th September 2019 proposes changes to the planning scheme for the protection of sea turtles and the Mon Repos Conservation Area with rezoning of land East of Shelley Street Burnett Heads. This is the land affected by TPLI 1/2018 which will change to Rural Residential RRZ1.

This letter does not explain exactly what you classify as Rural Residential. Your version is recommending that these acreages be re developed into 2000m2 minimum lots. This would mean an additional 100 houses and an approximate 200 additional cars to flood the foreshore. As this area does not have town sewerage access and there is no stipulation for Enviro Cycles. The sewerage run off would seep through the rocks into the water table that supplies drinking water to the community.

This development is not in the interest of the protection of the sea turtles or Mon Repos Conservation Area of which \$22 million dollars of tax payers money has been spent recently, or the future of the Great Barrier Reef.

We are registering our disappointment and disapproval of the proposed change to the zoning of land to Rural Residential Zone 1.

We are however supporting the State Government TLPI 1/2018 zoning which maintains the block size to 5 acres.

Yours sincerely

Burnett Heads Qld 4670

Thank you for taking the time to provide your feedback.

[Submit via email](#)

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Submission comments

16/10/2019

Submission Q08

CEO

Bundaberg Regional Council
PO Box 31130
Bundaberg Qld 4670

Submission: Amendment No. 6 (Mon Repos/Sea Turtle Amendment)

Your letter dated 16th September 2019 proposes changes to the planning scheme for the protection of sea turtles and the Mon Repos Conservation Area with rezoning of land East of Shelley Street Burnett Heads. This is the land affected by TPLI 1/2018 which will change to Rural Residential RRZ1.

This letter does not explain exactly what you classify as Rural Residential. Your version is recommending that these acreages be re developed into 2000m2 minimum lots. This would mean an additional 100 houses and an approximate 200 additional cars to flood the foreshore. As this area does not have town sewerage access and there is no stipulation for Enviro Cycles. The sewerage run off would seep through the rocks into the water table that supplies drinking water to the community.

This development is not in the interest of the protection of the sea turtles or Mon Repos Conservation Area of which \$22 million dollars of tax payers money has been spent recently, or the future of the Great Barrier Reef.

We are registering our disappointment and disapproval of the proposed change to the zoning of land to Rural Residential Zone 1.

We are however supporting the State Government TLPI 1/2018 zoning which maintains the block size to 5 acres.

Yours sincerely



Burnett Heads Qld 4670

Thank you for taking the time to provide your feedback.

Submit via email

PRIVACY NOTICE: Bundaberg Regional Council is collecting the personal information you supply on this form for the purpose of receiving a 'publicly made' submission on the proposed amendments to the Bundaberg Regional Council Planning Scheme. Some of the information may be provided to the Department of State Development, Manufacturing, Infrastructure and Planning for the purpose of providing a summary of matters raised in submissions. Your personal details will not be disclosed to any other person or agency external to Council without your consent you have given Council permission to do so, or we are required by law.

Submission Q09

17th October 2019

Bundaberg Regional Council
PO Box 3130
Bundaberg QLD 4670
E: ceo@bundaberg.qld.gov.au

Re: Amendment to Bundaberg Regional Council Planning Scheme- Shelley St Burnett Heads
TLPI 1/2018 Zone : LDZ2 – Mon Repos Turtle Conservation Area Precinct

As outlined in the letter received from Mr Evan Fritz, we are opposed to any changes in Zoning on the following grounds:

The proposed PRECINCT amendment from Mon Repos Turtle Conservation Area to RRZ1 Zoning, will bring in minimum lot size of 2,000sqm.

The proposed ZONE amendment from Limited Development (constrained land) to Rural Residential, could potentially bring a minimum lot size of 800sqm.

As quoted in the letter: "The Amendment proposes changes to the planning scheme to provide a greater level of protection for the Mon Repos Conservation Park and sea turtles from the effects of urban development".

This is contradictory to proposed zoning (Map 3) which could potentially add 100plus dwellings to be built on land that is currently zoned "Limited Development". In turn this will have a major negative effect on the Sea Turtle population through the following:

Night Glow, Stormwater & Septic runoff, Pollution and increase in Domestic Animals.

Not only will our Turtles be affected by this proposal, but we will see a decline in population of our local Kangaroos, Echidnas & a large variety of Bird life. We will also see a decline in the quality of our drinking water, due to a higher density of housing, bringing more septic/enviro/evaporation systems leaching into our aquafer.

As we all know, Mon Repos Conservation Park is a significant environmental area as it has the largest population of nesting turtles on the east coast of Australia. Burnett Heads (& Bundaberg), as a small town, relies on this major drawcard for our \$400mil Tourism economy, which flows onto our local Employment, Accommodation, Restaurants & Shops.

While between the Local, State & Federal Gov'ts, we have spent close to \$25mil on development (& enquiries) of the new Mon Repos Turtle Centre & set new Conservation Zones, it is hypocritical to allow a further 9 development sites which currently borders on 'Open Space/Environment Protection Area'.

Urban development in the Burnett Heads area should be focused to the Centre, Marinas & Port areas, to keep its natural beauty & coastal lifestyle for all to enjoy. The wildlife corridor both North & South of Mon Repos must be kept, to not only protect Mon Repos and its turtles, but all other wildlife that inhabits this area. Save the Foreshore for all to enjoy the open space.

We recommend the proposed amendment to Shelley St. Burnett Heads be dropped, and all Lots in TLP1/2018 Zone be included with the adjoining Precinct towards Mon Repos (south of Sea Park Rd), which are under the Rural & Landscape Protection Area, ensuring to keep our rural character.

If we were to consider any changes in the current lot size, we would recommend a minimum of 10,000sqm (2 1/2 Acres), with no more than 1 dwelling per lot.

Thank you for your time.



Burnett Heads



Submission Q10

In short, what this means:

- 60-80 new dwellings
- Increase in traffic
- Decrease in your house price
- Wildlife- gone
- Peace and quiet - gone
- Views - gone
- What happened to the 'Turtle Protection'

No development

Submission Q11

In short, what this means:

- 60-80 new dwellings
- Increase in traffic
- Decrease in your house price
- Wildlife- gone
- Peace and quiet - gone
- Views - gone
- What happened to the 'Turtle Protection'

This is not in interests of the community of Burnett Heads. One house per 5 acres full stop.

Submission Q12

17th October 2019

Chief Executive Officer
Bundaberg Regional Council
PO Box 3130
Bundaberg QLD 4670

[REDACTED]
Burnett Heads QLD 4670
[REDACTED]

Re: Submission for Amendments No 5 and No 6

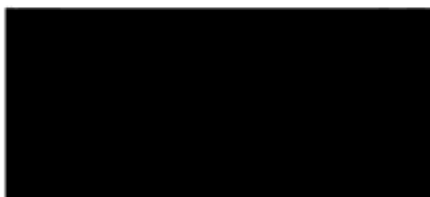
Would like to place my submission concerning amendment No 5 (Major development) and No 6 (Mon Repo Sea Turtle Amendment) Planning By TLP/ 1/2018

- 1: We, among many residents of Shelley st object to your proposal to reduce the 5 acre blocks to 2000sq, this is not acceptable. We believe, yes, you have to have development for communities to grow, but not at the expense of our World Heritage Turtles. We believe it to be very detrimental and endangering to the very existence of our turtles.
- 2: We believe the Turtles would be greatly disturbed with the light glow which would be emanated by the housing proposed, not to mention the possible noise. You cannot possibly police the lighting from these proposed houses and do you really want that headache. Our Turtles are a World Heritage, we should protect them from developments, at no cost, and this proposal defies all previous made amendments, and in fact, makes it look like a band aid given to those people and organizations who are trying to protect our sea life. We as leaders for our environment must ensure we protect this heritage, among all other heritages, to make sure it can be handed over to future generations so they can enjoy the beauty of our Turtles and wildlife that exists on these blocks already around the world.
- 2A: HOW CAN YOU DECLARE PROTECTION NOT EVEN 1 YEAR AGO AND THEN DECIED TO SCRAP IT, WAS THAT JUST A SMOKE SCREEN, is the possibility of losing the turtles worth a subdivision.
- 3: Wildlife of other species such as the kangaroos, birdlife ,lizards and echidna which have made these blocks their home, some of these Kangaroos have been there for 16 years or more, the birdlife, finches, quails and other species will be homeless.
- 4: My next concerns are the traffic conditions which will be created on our road, which then creates noise, not only for the residents, but also for the turtles again. Plus the dust and noise which

would be created while development is happening. These blocks carry a lot of rock, which in itself is going to create disturbance for a long time ongoing. It will also devalue our places, as well, due to the increase of traffic, Noise and loss of serenity. We purchased our home, in this area, for that serenity peace and lack of traffic and the ability to live so close to nature itself.

5: These blocks are already 5 acre blocks, your proposal for 2000sq is not acceptable, I believe yes, you have to have development for communities to grow, but not at the expense of our World Heritage Turtles. You have so many other alternatives to develop .

Thanking You



Submission Q13



Your Ref: n/a
 Our Ref: [REDACTED]
 Date: 11 October 2019

ATTENTION: THE CHIEF EXECUTIVE OFFICER
 Bundaberg Regional Council
 PO Box 3130
 Bundaberg QLD 4670

Dear Sir,

RE: SUBMISSION TO PROPOSED BUNDABERG REGIONAL COUNCIL MAJOR AMENDMENT NO 6 (MON REPOS/SEA TURTLE AMENDMENT) REGARDING PREMISES LOCATED AT [REDACTED] SHELLY STREET, BURNETT HEADS DESCRIBED AS LOT [REDACTED] ON [REDACTED]

We refer to the proposed major amendment No 6 (Mon Repos/Sea Turtle Amendment) to the Bundaberg Regional Council Planning Scheme which is currently available for public review. [REDACTED] has been engaged by [REDACTED] to assess the impacts of the proposed amendments on this property and make a formal submission regarding this landholding in the Bundaberg Regional Council area.

The site is currently included in the TLPI 1/2018 and is included in the Limited development zone 2 – Mon Repos Turtle Conservation Area Precinct. No further development other than a dwelling house is currently permitted on the site under the provisions of the TLPI which is due to cease effect on 16 March 2020.

Prior to the TLPI 1/18 coming into effect the site was included in the Emerging communities zone and was included in the Residential area identified in the Central coastal urban growth area local plan. The Bundaberg Regional Council Planning Scheme currently provides for a minimum lot size for reconfiguration of 1500m². Accordingly, the development potential of the site has been constrained since the introduction of the TLPI, Council’s amendment is generally supported as it addresses the issues required to be dealt with under the TLPI and provides [REDACTED] with options for development of the site.

The following table provides the grounds of submission to the proposed amendments to the planning scheme proposed in Major amendment No 6 (Mon Repos/Sea Turtle Amendment).


Issue in brief	Relevant Section	Submission on change
Mon Repos Sea turtle amendment	Part 5 – Tables of Assessment (Table 5.9.1) and associated editors	The changes to the levels of assessment table 5.9.1 provide for development including a Material Change of Use, Reconfiguring a Lot and Operational Work to be assessed against the new Sea

	notes	<p>turtle sensitive area overlay code, the levels of assessment do not change as a result.</p> <p>The proposed amendment is supported as it ensures the development in the area identified in overlay mapping as Sea Turtle Sensitive Area is assessed against the code without requiring higher levels of assessment for the development.</p>
	Part 7 – Local Plans (figure 7.2.1 Central Coastal Urban Growth Area Structure Plan Concept)	<p>The amendment to the mapping will result in [REDACTED] Shelley Street, Burnett Heads no longer being within the Residential Area identified in the Central coastal urban growth area plan.</p> <p>The change to the mapping is supported in this instance given the proposed amendment to the zone from Emerging communities to Rural residential zone.</p> <p>Given the location of the site and existing development in the locality the Rural residential zone is considered the most appropriate zone for the property. The proposed zone and precinct provide options for the development of the site for low density residential purposes.</p>
	Part 8 – Sea turtle sensitive area overlay code.	<p>The new code is generally supported as it provides Acceptable outcomes for most Performance outcomes listed.</p> <p>In relation to Performance Outcome 2, no acceptable outcome is provided, and it appears to repeat other measures within the code to limit the reflection of light from the ground, buildings, or other surfaces.</p> <p>If the purpose of the provision is to minimise the brightness/luminance of outdoor lighting an acceptable outcome nominating a level is recommended to provide guidance as to what may acceptable in this instance. Any future development of dwelling houses on the property located at [REDACTED] Shelley Street will require this Performance outcome to be addressed in the design and location of outdoor lighting further guidance would assist in this process.</p> <p>In the case of an application for Reconfiguration of a lot involving the dedication of road it will apply to Street lighting and Council’s standards in this regard should be identified, either within the code or an associated planning scheme policy.</p> <p>In relation to Acceptable outcome 4.1 which applies to all windows and glass doors visible from the coast, providing a definition of coast would assist in the compliance with the provision. This would provide guidance on when and where the provision applies to private certifiers and building designers involved in the design and construction of dwelling houses in this areas.</p> <p>In relation to Acceptable outcome 5, regarding the provision of landscape buffers it does not specify the locational requirements of where landscape buffers will be required. Further the provisions for the assessment of when buffering is required is similarly non-specific and subject to interpretation where</p>

	<p>development is visible to the beach or ocean.</p> <p>In the case of the properties in the Shelley Street precinct there is between 60 to 80 metres of public land in the form of road reserve and Council owned land between the beach and the subject property and provides the opportunity for Council to provide landscaping to these areas to achieve the outcome sought in the code.</p> <p>It is suggested that the provision be clarified that it only applies to land parcels directly adjoining the beach.</p> <p>If the provision is to remain in its current form it is considered a minimum depth of 5 metres should be included within the provision to provide more guidance on an appropriate width to be included in the development of land within the overlay area. Five (5) metres is considered an appropriate width to provide for the planning and structure of landscaping identified in the acceptable outcome.</p>
Part 9 – Advertising devices code	The change to the Advertising devices code is supported.
Part 9 – Nuisance code	The change to the Nuisance code is supported.
Schedule 2 – Mapping	The proposed amendment to change to the zoning of ██████████ Shelley Street, Burnett Heads from Emerging communities zone to Rural Residential zone – RRZ1 precinct with a minimum lot size of 2000m ² is supported as it provides an appropriate balance between the ongoing development of the locality and the protection of the Mon Repos Regional Park from the effects of urban development. The proposed zone and precinct provide options for the development of the site for low density residential purposes.

It is requested this submission be considered by the Bundaberg Regional Council in relation to the proposed major amendment No 6 to the Bundaberg Regional Council Planning Scheme and that a response be forthcoming with regard to the issues raised.

Should you require any further assistance in relation to this matter, please contact ██████████ of ██████████ on phone number ██████████

Yours faithfully,


Submission Q14

Burnett Heads down Sea Park Road area has a charm of quietness. It would be a huge shame to see rabbits, kangaroos & birds disappear from our front coastline. It is my opinion that this is what attracts the tourists along the turtle trail – is the fact of no development. Leave as is please.

Submission Q15

My wish is for the land described above to stay as is. Not to be cut up into 2000 sq blocks. Not to use Ripple St as a thoroughfare for these blocks, extra houses, streets, lights, what are you people thinking. Leave as 5 acre blocks as it is please.

Submission Q16 & Q17

21 October 2019

The CEO

The Bundaberg Regional Council

Re: Proposed amendment to the Bundaberg Regional Council Planning Scheme.
Amendment 6

I am in receipt of your letter dated 16 Sept 2019, which proposes changes to the planning scheme to provide a greater level of protection for the Mon Repos Regional Park and sea turtles from the effects of urban development through siting, design, reconfiguring, and domestic lighting provisions.

It also provides advice that the zoning changes to the land to the east of Shelley Street and in particular the land affected by TLPI 1/2018, will change to Rural Residential (RRZ1) as per your map 3.

Your letter also states in dot point 3, Zoning changes to the land at Shelley Street, Burnett Heads to ensure that the development is of an appropriate scale, intensity and configuration to provide a greater level of protection for the Mon Repos Regional Park and sea turtles from urban development.

I find that this letter is extremely vexatious and is an affront to the community of Burnett Heads.

The letter at no stage details the size of a Rural Residential Blocks.

Further investigation of the council's web site reveals

"The amendment provides a longer-term policy response to the ministerial direction notice given to Council on 19 February 2017, and the interim controls put in place through Temporary Local Planning Instrument 1/2018 (Protection of the Mon Repos Turtle Conservation Area)

This amendment includes:

A sea turtle sensitive area overlay code to ensure assessable development in coastal areas avoids adverse impacts on sea turtles, including impacts from artificial lighting;

Zoning changes to include land at Shelley Street, Burnett Heads (currently included in the Emerging community zone) in the Rural residential zone – Precinct RRZ1 (2000m2 minimum lot size area);

Changes to other parts of the planning scheme, including the Advertising devices code and Nuisance code"

If I apply the council minimum lot size to the current blocks on Shelley Street it would indicate that each 5 acre block can be subdivided into 10 blocks a total of 100 extra houses.

This development is not in the interest of a greater level of protection for the Mon Repos Regional Park and sea turtles from urban development.

I therefor wish to register my disapproval of the proposed change to the zoning of the land to Rural Residential Zone 1.

I do however support the zoning of the land as described by the State Government TLPI 1/2018 which maintains the minimum block size to 5 acres.

Yours sincerely,

[Redacted signature]

[Redacted signature]

Burnett Heads 4670

[Redacted signature]

[Redacted signature]

Submission Q24

I strongly oppose the development of land on Shelley Street, Burnett Heads. Oaks Beach is the 2nd highest beach in the district for turtle nests. Further development of this coastline could and would have devastating affects not only on turtles but all wildlife. The proposed amendments state 'minimizes harm to sea turtles and nesting'. There should be no 'minimise', by stating that then in effect there is a recognition that there will be some impact! There is a lot of other land in this area that could be developed with no impact minimal or otherwise on our turtles. I came back to Burnett Heads and built ## months ago. It is a beautiful, quiet and safe community and needs to remain this way.

Submission Q25 & Q27

From: [REDACTED]
To: [Development](#)
Subject: Planning Amendment No 6 Submission
Date: Monday, 21 October 2019 9:54:21 PM

RE: Proposed amendment to the Bundaberg Regional Council Planning Scheme; to replace the current Temporary Local Planning Instrument TLPI 1/2018 - Protection of the Mon Repos Turtle Conservation Area which was adopted by Council resolution on 27 February 2018 and commenced on 16 March 2018.

As the original owner/resident of [REDACTED] and current owner/resident of [REDACTED] [REDACTED] BURNETT HEADS, described as [REDACTED].

I support and welcome all of the Proposed amendments with one Important Exception, ie:- I firmly believe that the ocean face of the blocks in the proposed zone (ref map 3 PRZ1 zoning precinct) should have a minimum size of 4500m2 with only 1 house built on the ocean facing block. To absolutely clarify this I mean only 1 block of 4500m2 to be on the ocean face which would take up the entire ocean frontage of the present nominal five acre blocks.

RE -The minimum Lot size area of 2000 m2 :- While I believe that 3000m2 would be more appropriate for several environmental reasons I can accept the 2000m2 on the Shelley St frontage

This is for several reasons:

1. To limit and control the out flow of residential lighting and eliminate street lighting of ocean frontage in the sensitive Turtle conservation area.
2. To limit and control environmental damage to the foreshore flora and fauna in the Turtle conservation area by pets ie: cats and dogs which can have a destructive effect.
3. To limit and control environmental damage by large increase of people in the on the foreshore of the sensitive Turtle area.
4. To restrict and control the devastating side effects of accidental run off of malfunctioning waste treatment systems into the conservation area. This form of environmental pollution will be accentuated in extreme weather conditions.

To have only one large 4500m2 block and only one house on the ocean frontage will in it self provide a " **buffer zone** " to mitigate these problems in a cost effective manner, still make the land development attractive financial proposition (the ocean front block will be very desirable) and contain the possible adverse side effects the rezoning may cause,

[REDACTED] long term resident and owner.

[REDACTED]
Burnetts Heads QLD 4670

Submission Q26

To
Chief Executive Officer
Bundaberg Regional Council

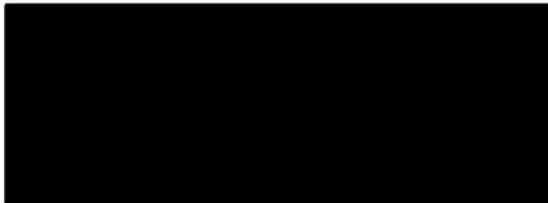
I wish to object to the proposal to amend the planning for the Mon Repos/sea turtle amendment No 6.

The area indicated is at this time of low development with few houses on the indicated blocks which means very little light pollution is present in this area.

However the proposal to allow any subdivision on these lots to increase the amount of housing per existing lots will mean an increase in light pollution on that part of the coast which we know will affect how the turtles lay their eggs and possibly reduce the amount of successful turtle hatchlings.

The state government has just invested a considerable amount of money in expanding the existing turtle centre at Mon Repos so I find it hard to understand why the BRC would allow any possible development to compromise such an investment which will in the long term affect tourism to the centre which will also affect the local economy and no council will want to cope the blame for that.

The local people who live in Burnett Heads and Bagara are very proud that we have one of the best turtle breeding beaches in Australia adjacent to our towns and now the best turtle centre, it would be a shame to destroy it because of greed.



Submission Q28

21st October 2019

The Attention of
CEO
Bundaberg regional Council
PO Box 3130
Bundaberg QLD 4670

Please find attached signatures from residents of Burnett Heads in opposition to the rezoning of TLPI 1/2018 (Protection of the Mon Repos Turtle Conservation Area).

In your letter dated 16th September 2019 (copy attached) you state that you want to provide a greater level of protection for Mon Repo Regional Park and Sea Turtles.

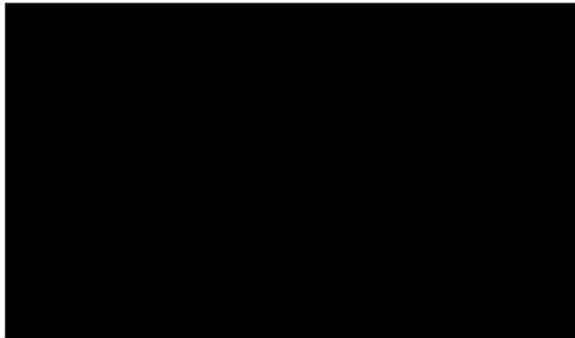
How can this be so when as it stands there are 5 acre blocks for one (1) house per 5 acre. By allowing subdivision into 2,000m² allotments you are allowing approximately 100 additional houses to flood the foreshore. Who is going to police the housing development for lighting when once a house is approved by council individual home owners can change their lighting anyway. There is no sewerage in this area and runoff would go into either the ocean or the underground water table of which our drinking water comes from.

Mon Repo Conservation Area has just had a \$22 million tourist development built, which is 1.6kms from where the proposed development will be.

What happens when there are no sea turtles coming into lay their eggs. Does this development then become a white elephant and a waste of tax payer hard earned money?

For and on behalf of

Concerned Burnett Heads residents.



**Item****19 November 2019****Item Number:**

O1

File Number:

.

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

Community & Environment

Subject:

Partnership & Sponsorship Grant Application - Bargara Golf Club

Report Author:

Heidi Mason, Team Leader Events

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:

Our Community - 1.2 Safe, active, vibrant and inclusive community - 1.2.3 Support and facilitate community programs, networks, projects and events that promote social connectedness; and active and healthy community life.

Background:

An application, has been received from the Bargara Golf Club, seeking Council's support of their New Year's Eve Fireworks event. The sports club identified a need to take on this event as the Bargara Progress Association is no longer in a position to deliver the event on its own.

The event will include kids & family entertainment, markets & fireworks at both 8.30 pm & midnight. The family festivities will take place at both the Golf Club & Christensen Park until 9 pm, with entertainment continuing at the Club until the midnight fireworks.

Please see attached application for reference.

Associated Person/Organization:

Gavin Steele, General Manager Community & Environment

Consultation:

Portfolio Spokesperson: Cr Judy Peters

Divisional Councillor: Cr Greg Barnes

Chief Legal Officer's Comments:

The funding is provided in accordance with Council Policy.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

This request can be resourced through the current Partnership & Sponsorship 2019/20 budget.

Risk Management Implications:

Risk management for this activity is the responsibility of the Golf Club.

Communications Strategy:

Communications Team consulted.

Yes

No

Attachments:

[↓1](#) Partnership & Sponsorship Application - Bargara Golf Club

Recommendation:

That Council provide financial support under Council's Partnerships and Sponsorships Grants Program, to the Bargara Golf Club (ABN 41 009 863 325), for their New Year's Eve event, in the sum of \$5,000 (plus GST where applicable).



COMMUNITY GRANT PROGRAM COMMUNITY DEVELOPMENT Application Form

PO Box 3130
190 Bourbong Street
Bundaberg QLD 4670
T 1300 883 699
E ceo@bundaberg.qld.gov.au
W www.bundaberg.qld.gov.au
ABN 72 427 835 198

Please read Council's Application Kit and Guidelines prior to completing this application.
For inquiries or assistance with your application phone Council's Community Development Unit on 1300 883 699.

Community Grants closing dates for each round:

Round 1 - Closes last Friday in June; Round 2 - Closes last Friday in October; Round 3 - Closes last Friday in February.

Eligibility	<p>Have you received financial assistance from any of the following programs in the current financial year? <i>(please tick)</i></p> <p> <input type="checkbox"/> Sponsorships & Partnerships <input checked="" type="checkbox"/> Community Grant <input type="checkbox"/> Micro Grant </p> <p>If you ticked any of the above boxes you are not eligible to apply for further financial assistance in accordance with the Community Grants policy.</p>												
Details of your group/organisation	<p>Applicant or Auspice Body Details</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">Organisation: Bargara Golf Club</td> </tr> <tr> <td colspan="2">Postal address: P.O. Box 8039</td> </tr> <tr> <td>Telephone: 0741592221</td> <td>Email: clubmanager@bargaragolfclub.com.au</td> </tr> <tr> <td colspan="2" style="text-align: center;">*This will be Council's preferred method of contact</td> </tr> <tr> <td>Contact person: Ian Witt</td> <td>Position: General Manager</td> </tr> </table>			Organisation: Bargara Golf Club		Postal address: P.O. Box 8039		Telephone: 0741592221	Email: clubmanager@bargaragolfclub.com.au	*This will be Council's preferred method of contact		Contact person: Ian Witt	Position: General Manager
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Telephone: 0741592221	Email: clubmanager@bargaragolfclub.com.au												
*This will be Council's preferred method of contact													
Contact person: Ian Witt	Position: General Manager												
Does your group/organisation have the following? <i>(please tick)</i>	<p> <input type="checkbox"/> Incorporation Number: _____ <i>(Attach Certificate)</i> <input checked="" type="checkbox"/> ABN Number: 41009863325 <input checked="" type="checkbox"/> Public Liability Insurance <i>(Attach Certificate)</i> <input checked="" type="checkbox"/> Annual Financial Statement <i>(Attach Statement)</i> </p>												
Is your organisation registered for GST?	<p> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No </p>												
Project/Program Details	<p>Project Details</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Project name: New Year's Eve Community Festival</td> </tr> <tr> <td>Location: Bargara Golf Club & Christsen Park</td> </tr> <tr> <td>Date & duration: 31st December 2019, 6pm till 1am</td> </tr> <tr> <td>Expected participation number: 2000</td> </tr> </table>			Project name: New Year's Eve Community Festival	Location: Bargara Golf Club & Christsen Park	Date & duration: 31st December 2019, 6pm till 1am	Expected participation number: 2000						
Project name: New Year's Eve Community Festival													
Location: Bargara Golf Club & Christsen Park													
Date & duration: 31st December 2019, 6pm till 1am													
Expected participation number: 2000													
Brief description of project for which funding is requested <i>(briefly describe the project/program/event for which funding is requested)</i>	<p>A fun family night for the whole community with 2 fireworks displays, markets, kids rides, face painting and live entertainment</p>												
Volunteer Contribution	<p>Number of volunteers who are involved in the planning and delivery of this project: <u>20</u></p>												
Grant Amount Requested	\$ 5000	Total Project Budget	\$ 20000										

Bundaberg Regional Council is collecting this information in order to comply with its responsibilities and obligations as a Local Government. The information will only be used by Council Officers or Agencies which may have a legitimate need for the information to process applications or the like. Your information will not be given to any other person or Agency until you have given us permission or we are required to by law.

FM-7-676 Rev.3.24/06/19 P1 of 5



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<p>Briefly outline the nature of your group/ organisation and its primary purpose</p> <p><i>(Include how many members, target group, types of programs/services)</i></p>	<p>We are a not for profit sports club that offers golf for all ages, food, bar, gaming, TAB, keno, live entertainment and a space to feel comfortable and safe to socialise with family and friends. The club also attracts tourist from all over Australia and abroad.</p>
<p>Please provide full detail of the project/ program/event you are seeking funding for</p> <p><i>(Where possible attach project action plan)</i></p>	<p>A festival starting at 6pm with kids rides, face painting, entertainment and markets. At 8.30pm there will be a fireworks display for families. Then a band in the Club from 8pm till 12.30pm with another fireworks display at midnight. It is a free event to attract the whole community and tourist to our area.</p>
<p>List who will be involved (including any partnering organisations)</p> <p>Note: Do not include paid service providers/contractors</p> <p><i>(Attach support letters)</i></p>	<p>Bargara Golf Club Bargara Progress Association</p>

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Please describe how your project/program/event meets the selection criteria
(Read Council's Application Kit and Guidelines)

This event will allow Bargara to celebrate New Year's Eve. The idea is to try and help minimise the number of vehicles on the road on such a busy night. It is a free event to help the whole community and tourists celebrate in a safe, controlled and friendly environment.

How did your group/organisation identify this need?
(Attach any or all of the following: photos, reports, strategic or operational plans, statistics, consultation completed - who, when etc)

The Progress Association is no longer able to offer this event, so the club felt it is an important event for the community and has offered to take it over with the Associations help.

Have you received any other support in the past 2 years from Bundaberg Regional Council for this project? If so please list with details.
(i.e. RADF, In-kind, Micro Grants, Donations)

No

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PROJECT BUDGET

Please supply total budget details for this program/project/event (include quotes, etc for verification)

(Attach quotes and more detailed itemised budget if possible, applications demonstrating additional income beyond requested grant funds and in-kind contribution are encouraged)

Income			Expenditure		
Source	Total Income GST inclusive	Total Income Less GST	Item	Total Cost GST Inclusive	Total Cost Less GST
Bar	13200	12000	Security	2200	2000
Bistro	8800	8000	Kids Rides	2750	2500
			Face Painter	330	300
			Portable Toilets	798.60	726
			Entertainment	2500	2500
			Wages	6000	6000
			Fireworks	13200	12000
Total applicant contribution	23100	21000			
Bundaberg Regional Council Community Grant amount sought (Maximum value \$5000.00)	5000	5000			

TOTAL PROJECT INCOME \$28100 \$26000

TOTAL PROJECT EXPENDITURE \$27778.60 \$26026.00

Please detail other grants/subsidies sought, or your organisations contribution toward this project including volunteer hours.

Organisation's Name	Amount \$		
	Yes	No	Pending

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CHECKLIST: (Please tick once attached)

****Note: Applications which do not provide required documentation will not be assessed.**

Required:

- A copy of your organisation's latest audited financial statement
- A copy of your Certificate of Incorporation
- A copy of your current Public Liability Insurance Certificate
- A copy of minutes confirming the decision to seek financial assistance from the Bundaberg Regional Council Community Grants Program and expend funds on the specific project.
- I have read the Community Grants Program Application Kit Guidelines.
- Copies of quotations (minimum 2)

If Required:

- A letter of support from the landowner is required for capital works on leased land (this includes land owned by council)
- For minor capital works – relevant approvals from Council or State Government

Recommended:

- Letters of support from groups etc relevant to your project
- All other documents to support your application

CERTIFICATION

I hereby certify that I have been authorised to prepare and submit this application on behalf of the above mentioned group/organisation and the information contained herein is a true and correct record to the best of my knowledge. On behalf of the above mentioned group/organisation, I agree to accept funding in accordance with the Community Grants Program's guidelines and conditions.

Signature _____ Date 30.10.2019

Name Ian Witt Position General Manager

WITNESS

Signature _____ Date 30.10.2019

Name Janine Smith Position President

Please send completed application to:

Postal Address _____ **OR** **email to ceo@bundaberg.qld.gov.au**
Bundaberg Regional Council
Community Development Unit
PO Box 3130
Bundaberg QLD 4670

NOTE: Clearly label envelope 'Community Grant Application'.

Bundaberg Regional Council is collecting this information in order to comply with its responsibilities and obligations as a Local Government. The information will only be used by Council Officers or Agencies which may have a legitimate need for the information to process applications or the like. Your information will not be given to any other person or Agency until you have given us permission or we are required to by law.

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**Item****19 November 2019****Item Number:**

O2

File Number:

A4843041

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

Community & Environment

Subject:

Regional Arts Development Fund Recommendations for Funding

Report Author:

Rod Ainsworth, Coordinator Moncrieff Entertainment Centre

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:

Our Community - 1.3 An empowered and creative place - 1.3.1 Provide facilities, spaces, services and activities that promote and support lifelong learning and community engagement with the arts and culture.

Background:

The Regional Arts Development Fund (RADF) is a partnership between the State Government and Council to deliver arts project funding to the region. The intent is to support professional artists in building the community and responding to Council's *Arts+Culture Strategy 2019-23*.

This report provides funding recommendations from the Assessment Committee to Council for Round 1 2019-20 funding as per BRC's funding agreement with Arts Queensland. The Committee assessed ten grant applications which were submitted by the due date of 20 October 2019. These are for projects beginning after 1 January 2020.

The total value of requests across all applications was \$60,275.08 which is 2.3 times the available funds of \$26,378.49 (including returned and carried over funds from 2018-19). Five applications (50% of those received) are recommended for funding.

Grant assessments were made on criteria relating to RADF Guidelines, State Government objectives and the aims of BRC's *Arts+Culture Strategy 2019-23*. Projects were ranked and funding is offered to those applications that were most competitive in the round against those selection criteria.

The Committee proposes that the balance of \$8,732.41 be carried over to Round 2, 2019-20.

Conflicts of interest were declared by the assessment committee as noted in the meeting minutes.

Associated Person/Organization:

Rod Ainsworth, Manager Arts and Cultural Services

Consultation:

One on one advice was provided to potential applicants.

Chief Legal Officer's Comments:

There appear to be no legal implications.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

The funding is budgeted for in 2019-20 Financial Year based on the funding agreement with Arts Queensland. It has been agreed with Arts Queensland that, while the agreement is financial year, delivery of funding in the region will be based on a calendar year to better respond to the community.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted.

- Yes
- No

Attachments:

[↓1](#) RADF Applicants

Recommendation:

That Council approve the release of Regional Arts Development Funding in accordance with the recommendations of RADF Advisory Committee as follows:

- 1. Archie's Beach Community Mosaics - \$6,000**
- 2. FOUND! Studio Dog - \$3,086.08**
- 3. CQ Shopfront – Bundaberg - \$6,560**
- 4. Experience in Fremantle (professional development) - \$1,000**
- 5. Screenwriting Mentorship (professional development) - \$1,000**

Applicant	Project	Full Cost of Project	Amount Requested	Recommendation	Notes
Paul Perry	Archie's Beach Community Mosaics	\$104,600.00	\$6,000.00	Recommended full funding of \$6,000	A new public artwork created through an extended series of community workshops culminating in a large (33 sq metre) mosaic installation on the public toilets at Archie's Beach, Bargara featuring themes of turtle conservation, coastal environment and connection to place/country.
Adrienne Williams	FOUND! Studio Dog	\$5,852.22	\$3,086.08	Recommended full funding of \$3,086.08	An exhibition and art trail held in October 2020. This Stage One Concept Development project secures artists, exhibiting sites (two in Brisbane), and partners to establish a rare exhibition opportunity for local artists and new audiences.
The Ideas Distillery	CQ Shopfront – Bundaberg	\$79,519.00	\$6,560.00	Recommended full funding of \$6,560	CQ Shopfront is an 18-month long project that aims to develop and strengthen creative industries in Central Queensland with a focus on visual artists producing commercially viable product ranges.
Sabrina Lauriston	Experience in Fremantle (professional development)	\$6,120.00	\$1,000.00	Recommended full funding of \$1,000	Personal artistic development within an artist in residency offered at Fremantle Art Centre, exploring art in WA and having the opportunity to finalize a couple of personal projects, working in an open studio meeting people and other artists.
Jacqueline Read	Screenwriting Mentorship (professional development)	\$15,000.00	\$1,000.00	Recommended full funding of \$1,000	To engage in a screenwriting mentorship with Jackie McKimmie, a screen industry professional with 30 years' experience, thereby gaining new skills and real industry experience while editing and creating a second draft of My 'Fly Away Blackbird' screenplay which will subsequently be submitted to film producers and emerging screenwriters' competitions with the aim of gaining further development.
TOTAL FUNDING RECOMMENDED – ROUND 1 19-20				\$17,646.08	
TOTAL TO BE CARRIED OVER TO ROUND 2				\$8,732.41	

**Item****19 November 2019**

Item Number:	File Number:	Part:
R1	.	SPORT, RECREATION, VENUES & DISASTER MANAGEMENT

Portfolio:

Community & Environment

Subject:

Bundaberg Velodrome Lighting Assistance Request

Report Author:

Gavin Steele, General Manager Community & Environment

Authorised by:

Gavin Steele, General Manager Community & Environment

Link to Corporate Plan:

Our Community - 1.2 Safe, active, vibrant and inclusive community - 1.2.1 Provide facilities, parks, open spaces, services, and programs that promote and support our community's safety and physical wellbeing.

Background:

Council has been contacted by Mr Greg Pershouse, Chairman of UCI Cycle Fest International seeking Council's financial support to improve the lighting at the Kevin Brogden Memorial Velodrome for their next Cycle Fest International Event which will be held for its second year in Bundaberg, from 9 to 16 February 2020, after the success of their inaugural event this year.

A recent Lighting Audit undertaken by Cycle Qld found that the current velodrome lighting was insufficient to meet the minimum requirements for competition cycling and as such without improvement the upcoming Cycle Fest event would not receive the required certification which attracts high class riders and counts towards cycle competition rankings.

The Bundaberg Cycling Club, who host the event, have sought a quote to undertake the required lighting upgrade and have received an initial quote of \$324,537.40. Bundaberg Cycling do not have any funds to undertake this work and given the high value and limited time available before the event they have identified a temporary lighting option that will satisfy the lighting levels required.

Council has an existing three year funding agreement with Cycle Fest International, signed this year, which provides a total of \$30k in sponsorship over the three year period (\$15k – 2019, \$10k – 2020, \$5k – 2021) to support the Cycle Fest International Event.

The Cycle Fest International Event was extremely successful in its first year this year and because of its recognition on the cycling circuit it attracted national and international riders which further built the profile of the event. The event incorporates three nights of competition on the velodrome track which will not be recognised competitive events if the minimum lighting standard cannot be achieved.

Council's Partnerships and Sponsorships Program (PSP) provides funding opportunities to organisations for over \$5,000 in support where they can demonstrate community benefit from their event and Bundaberg Cycling would also be an eligible applicant under the funding guidelines.

Given the information already supplied from UCI Cycle Fest International would meet the eligibility criteria for PSP it is recommended that Council provide the \$23,000 (ex GST) in financial support under this program.

Associated Person/Organization:

The Bundaberg Cycling Club

Consultation:

Councillors

Chief Legal Officer's Comments:

The funding is provided in accordance with Council policy.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted.

Yes

No

Attachments:

- ↓1 Velodrome Lighting Request
- ↓2 Temporary Lighting Quote
- ↓3 Quote Bundaberg Cycling Club Lighting Upgrade

Recommendation:

That Council provide financial support of \$23,000 (ex GST) under the Partnerships and Sponsorships Grant Program to assist with the cost of temporary lighting for the 2020 Cycle Fest International Event in February 2020.

From: [Greg Pershouse & Assoc](#)
To: [BRC CEO Incoming](#)
Cc: [Jack Dempsey](#); [Helen Blackburn](#)
Subject: VELODROME LIGHTING ASSISTANCE
Date: Monday, 4 November 2019 7:36:12 PM
Attachments: [Quote Bundaberg Cycling Club Lighting Upgrade.pdf](#)
[Velodrome Lighting Design.pdf](#)
[Temporary Lighting Quote.pdf](#)

Dear Steve,

As you are aware we have been continually frustrated by delays in receiving a detailed quotation for the Velodrome lighting upgrade to 300 Lux, as required by Cycling Australia.

The design and quote attached of \$324,537.40 is for 500 Lux. I have requested SNT Electrical to redesign and requote for the required 300 Lux. This will create further delays and will still be far in excess of what we are able to afford.

This leaves us with no alternative but to introduce temporary lighting for Thursday, Friday and Saturday Nights of the 2020 event, which is well advanced in its planning. The official Launch has been scheduled for November 13th at Central Queensland University.

Cycle Fest International are seeking Council assistance in covering the \$28,000 + GST hire fee or alternatively Council could assist with its own solution to this problem? Michael Dart from Ergon Energy has pledged \$5000.00 to assist with the lighting but our budget can't cope with this additional unplanned expenditure.

CFI will also be seeking a reduction in the hire fee, however as you are aware this matter is now acutely urgent with little or no time to source alternative funding.

I hasten to add that cycling has been conducted at the Bundaberg Velodrome successfully for many years under the existing lighting system. Cycling Australia insisted on an audit of the Velodrome recently and mandated a 300 Lux minimum requirement for all International Competition and 100 Lux minimum for Club Competition. At present club racing and training can only be conducted during daylight hours.

The level of lighting is not an issue for the competitors and it can only be assumed that the lighting requirements are for litigation purposes alone.

Thank you in advance for your kind consideration in this matter and we look forward in anticipation of your earliest response.

Kind regards,

Greg

Greg CFI Email Sig



----- Forwarded message -----

From: **Paul Connor** <paul@floodlightingaustralia.com.au>

Date: Fri, 27 Sep 2019 at 11:17

Subject: Re: CYCLE Fest International Lightning Project

To: Cycle Fest <cyclefestinternational@gmail.com>

Hi Jason

You would need 4 x temporary towers to achieve the 300 lux requested around the cycle track.

Outdoor			Reference area		Number of grid points	
			Length m	Width m	Length	Width
Track cycling and BMX ^a (Figure 2)	250 m	PA	62,50	4,30 to 4,75	17	3
	333,33 m	PA	83,33	4,30 to 4,75	19	3
Go Carting			—	—	—	—
Class	Illuminance on track surface				R_G	R_a
	E_{hor} Ave lx	U_{2hor}				
I	500	0,70	—	—	50	70
II	300	0,70	—	—	50	60
III	100	0,50	—	—	55	60

^a The vertical illuminance at the finishing line should be 1 000 lx for photo-finish equipment and officials.

The cost for 4 x 24m towers will be \$28,000 + GST

This allows for lighting design work to ensure compliance with Australian standards, transport of equipment to and from Bundaberg, setup and aiming to designs, compliance checks and operation during the event.

thanks

Paul Connor

SNT Electrical

Po Box 7142
 Bundaberg North
 Qld 4670
 Phone
 Steve: 0407 061 571
 Tony: 0418 749 349
ABN: 51 994 031 984

**Quote**

Quote No: 00001298
Date: 04-Nov-19

Customer:

Bundaberg Cycling Club
 6C Powers Street
 Bundaberg West QLD 4670

QTY	DESCRIPTION	PRICE	DISC%	TOTAL
	Preliminary Costs for Bundaberg Cycling Club Kevin Brogden Memorial Velodrome Lighting Upgrade			
1	Engineering, Surveyor & Builders Approval	\$10,122.00		\$10,122.00
1	Crane & Boom Lift Hire, Excavation & Suck Truck	\$14,325.00		\$14,325.00
1	Christensen Industries - Builder Costs	\$18,584.00		\$18,584.00
1	Materials	\$182,883.00		\$182,883.00
1	Labour	\$69,120.00		\$69,120.00

Additional Comments:

Subtotal	\$295,034.00
GST	\$29,503.40
TOTAL	\$324,537.40

Valid for 30 days from quote date