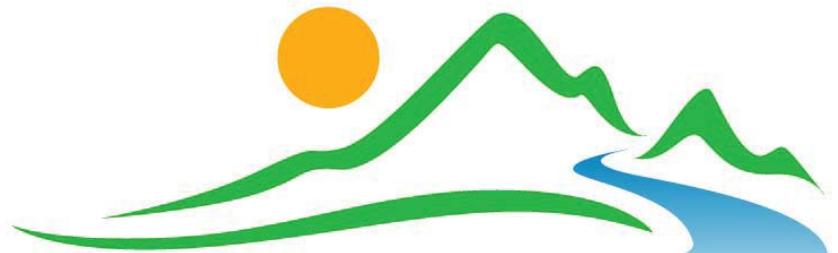


2014

Standing Committee Meetings –  
Policy and Planning



**NORTH BURNETT**  
REGIONAL COUNCIL

EIDSVOLD

North Burnett Regional Council

July 08, 2014

Attendees	<b>Agenda Item 1</b>	<b>Attendees</b>	
Welcome	<b>Agenda Item 2</b>	<b>Welcome / Housekeeping</b>	
Apologies	<b>Agenda Item 3</b>	<b>Apologies</b>	
Declaration	<b>Agenda Item 4</b>	<b>Declaration of Interest</b>	
Deputations	<b>Agenda Item 5</b>	<b>Deputations/Petitions</b>	
Governance	<b>Agenda Item 6</b>	<b>Governance Report</b>	
	6.1	ALGA 2014 National General Assembly of Local Government	<b>003-006</b>
	6.2	Animal Management Amendment – Subordinate Local Law	<b>007-036</b>
Economic	<b>Agenda Item 7</b>	<b>Economic Report</b>	
	7.1	Request for Review – Infrastructure Charges	<b>037-039</b>
	7.7	Development Statistics – May 2014	<b>040-043</b>
Social	<b>Agenda Item 8</b>	<b>Social Report</b>	
Confidential Reports	<b>Agenda Items 9</b>	<b>Confidential Reports</b>	
	9.1	Confidential Report – Manager of Development Services	
	9.2	Confidential Report – Manager of Development Services	
General Business	<b>Agenda Item 10</b>	<b>General Business</b>	
Closure of Meeting	<b>Agenda Item 11</b>	<b>Closure of Meeting</b>	

*File:* 14.7.01

*Officer:* Mark Pitt

The purpose of this report is to update Council on attendance at the 2014 ALGA National General Assembly of Local Government. The 2014 National General Assembly was held in Canberra from Sunday 15 June to Wednesday 18 June. The theme for the 2014 NGA was 'Getting Down To Business'.

### **Corporate Plan:**

5.8 Regional Representation – Improved opportunities and quality of life; 5.8.2 Collaborate with corporate and key regional and community stakeholders to ensure a unified and strengthened approach to national, state and regional advocacy.

### **The General Assembly:**

This was again a very successful General Assembly held with approximately 1000 delegates attending.

### **LGAQ briefing**

- The Hon Warren Truss – Deputy Prime Minister
- Greg Hoffman - Briefing on the motions; 565 Councils in Australia – 69 Strategic motions council's submitted motions + a number of associated and reserve motions; 7 Qld Councils submitted 24 motions.

### **Keynote Speakers:**

A number of the presentations have been posted on the ALGA website and are publically available on the link below:

<http://alga.asn.au/?ID=11679>

### **Resolutions:**

Council was extremely successful in the having resolutions place on this year's agenda with three of six motions being lead motions. Five motions were debated and adopted. With the sixth motion on Constitutional Recognition being an associated motion to the strategic motion which was adopted. The following are the final form of the motions and the outcome:

## **Special Urgent Resolution 1**

### **ALGA**

#### **Resolution**

Delegates of the 2014 National General Assembly, in recognition of the vital importance of the Financial Assistance Grants (FAGs) to local government for the provision of equitable levels of local government services to all Australian communities, unanimously call on the Commonwealth Government to:

- restore indexation of Financial Assistance Grants in line with CPI and population growth immediately,
- reject Recommendation 22 of the National Commission of Audit in which the Commission recommends that tied grants to local government cease, and to the extent that programs are identified as priorities, local and state government provide them to the communities they serve'.

Further Delegates resolve that:

- It is imperative that the Commonwealth consult with local government, the states and territories and local communities in the development of the White Paper on Reform of the Federation and the White Paper on Taxation; that the Government's White Papers must genuinely reflect the wishes of the Australian people; and that future Federal-state and local Financial relationship arrangements must ensure long term sustainable distribution of taxation revenues between the levels of government that are commensurate with the roles and responsibilities of each level government in our modern Federation. Carried

## **Special Urgent Resolution 2**

### **Tweed Shire Council**

#### **Resolution**

That Delegates of the National General Assembly call on the Federal Government to reverse its decision to cease payments under the National Partnership Agreement on Certain Concessions for Pensioner Concession Cards and Senior Card Holders that will negatively impact on council budgets. Carried

## **Associated Resolution 5.5**

### **North Burnett Regional Council, QLD**

#### **Resolution**

That this National Assembly calls for the Australian Government to review the Financial Assistance Grant and local government Tax Sharing arrangements criteria to maintain agreed minimum Local Government funding levels. **Carried**

**Strategic Resolution 13**  
**North Burnett Regional Council, QLD**  
**Resolution**

That this National Congress call on the Australian Government to maintain the value for money criteria for the use of day labour and amend the NDRRA guidelines so that this criteria may be used for Natural Disaster event. **Carried**

**Resolution 17**  
**North Burnett Regional Council, QLD**  
**Resolution**

That this National Congress call for a review of the NDRRA guidelines to request changes to the Category C and D Exceptional Circumstances to facilitate an increase in the threshold for off farm income and for eligibility of own farm labour for assistance in a Natural Disaster event. **Carried**

**Associated Resolution 32.1**  
**North Burnett Regional Council, QLD**  
**Resolution**

That this National Congress call on the Australian Government to implement a Water and Sewerage infrastructure support programme to run parallel to the Roads to Recover programme. **Carried**

**Resolution 49**  
**North Burnett Regional Council, QLD**  
**Resolution**

That this National Assembly calls upon the Australian Government to review the Regional Development Australia Fund funding model and any successor programme to ensure a funding split of 50/50 between allocated and contestable funds with a focus on rural and regional inland Councils. **Carried**

**Strategic Resolution 66**  
**Barkly Regional Council, NT**  
**Resolution**

That Local Government be supported as a valid level of government closest to community and as a result be constitutionally recognised as part of the future of how Australia operates. **Carried**

**Trade Exhibition:**

A number of trade exhibits were again at the conference with a range of information gathered.

**Hon Scott Emerson** – Minister for Transport and Main Roads  
Deputation:

An appointment was made with the Hon Scott Emerson, Minister for Transport and Main Roads on Thursday 19 June to discuss passenger transport services for the Council area and region, cooperative work arrangements with the Department and future funding opportunities.

Finally, I would like to thank Council for the opportunity to attend this assembly.

## **RECOMMENDATION**

That the CEO report on attendance at the 2014 ALGA National General Assembly of Local Government be received for information and the contents of the report noted.

# GOV 02 - ANIMAL MANAGEMENT AMENDMENT - SUBORDINATE LOCAL LAW

*Responsible Officer:* Lex Webster – Manager Development Services  
*Report prepared by:* Fraser Thornton – Compliance Officer

## **1 PURPOSE OF REPORT**

The purpose of this report is to provide Council with a local law making process for the *Animal Management (Amendment) Subordinate Local Law (No.1)* to be adopted in its entirety by resolution given the relatively recent commencement of the *Local Government and Other Legislation Amendment Act 2012*. Also to delegate authority to the Chief Executive Officer of Council for the public interest testing process for possible anti-competitive provisions identified in the proposed subordinate local law.

## **2 INTRODUCTION/BACKGROUND**

Council's Compliance Department has found some minor changes that need to be made to *North Burnett Regional Council Subordinate Local Law No.2 (Animal Management) 2011*. These changes will enable Council's Compliance staff to offer a more consistent approach to the enforcement of nuisances caused by domestic animals throughout our region.

In summary, the proposed amendments pertain to:-

- Animal noise nuisance e.g. roosters
- Deletion of references to registration of Cats
- Prescribed period for retaining animals (impounding livestock)

## **3 CORPORATE/OPERATIONAL PLAN**

In accordance with Outcome 3 – Organisational Capacity

## **4 POLICY IMPLICATIONS**

Amendment of applicable local law in accordance with the principles of the local Government Act 2009.

## **5 STATUTORY REQUIREMENTS**

Local Government Act 2009 section 38 (Anti-competitive provisions)  
Local Government Act 2009 section 257 (Delegation of local government powers)  
Local Government Regulation 2012 section 15 (Local law register—Act, s 31)  
Local Government Regulation 2012 section 16 (Anti-competitive provisions and review procedures)

## **6 FINANCIAL IMPLICATIONS**

N/A

## **7 RISK MANAGEMENT**

Political, Environmental and Regulatory

## **8 CONSULTATION**

External - Legal advice from King & Company Solicitors

Internal - Relevant staff

## **9 OPTIONS FOR COUNCIL TO CONSIDER**

- Consider this report and take no action
- Consider this report and resolve:-
  - a. That Council adopt the proposed local law making process to amend Animal Management Subordinate local law (no1) in its entirety, and
  - b. To delegate authority to the CEO the power to undertake public interest testing into possible anti –competitive provisions in the proposed Animal Management (Amendment) Subordinate local law (No1) 2014

## **10 OFFICER’S COMMENTS/CONCLUSION**

Nil

## **11 ATTACHMENTS**

1. Draft Local Law making process to be adopted by Council; and
2. Draft of Animal Management (Amendment) Local Law (No.1) 2014;and
3. Draft resolution about the proposal to make the amending subordinate local law and the delegation, to the Chief Executive Officer of Council, of the public interest testing process for possible anti-competitive provisions identified in the proposed subordinate local law; and
4. A drafting certificate for the proposed subordinate local law for execution and retention by Council; and
5. A list of likely anti-competitive provisions included in the proposed subordinate local law; and

6. A draft notice for completion, execution and publication in the Central and North Burnett Times newspaper which addresses Council's obligation to:-
  - (a) consult with the public regarding the making of the proposed subordinate local law; and
  - (b) also consult with the public about possible anti-competitive provisions included in the proposed subordinate local law; and
7. a public interest testing explanatory memorandum which details the various steps which need to be under taken by Council to ensure compliance with the requirements of the *Local Government Act 2009* so far as the public interest testing of possible anti-competitive provisions included in the proposed subordinate local law is concerned; and
8. a pro forma letter for distribution to relevant stake holders in conjunction with the implementation of the public interest test plan; and
9. a public interest test plan for the proposed subordinate local law; and
10. Advice from King and Company.

## **RECOMMENDATION**

1. Council resolves to propose to make *Animal Management (Amendment) Subordinate Local Law (No.1) 2014*.
2. Council resolves, pursuant to section 257 of the *Local Government Act 2009* ("the Act"), to delegate to the Chief Executive Officer of Council its powers under section 38 of the Act and section 15 of the *Local Government Regulation 2012* to decide –
  - a. How the public interest test of the subordinate local law particularised in the schedule is to be conducted; and
  - b. The matters with which the public interest test report in relation to the subordinate local law particularised in the schedule must deal; and
  - c. The consultation process for the public interest test and how the process is to be used in the public interest test.

## 1. Draft Local Law making process to be adopted by Council

### LOCAL LAW MAKING PROCESS RESOLUTION

#### Introduction

For the purposes of section 29(1) of the *Local Government Act 2009*, the local government resolves to adopt a process for making each local law of Council as detailed below. The process applies unless the local government has begun, but not completed, its process for making a local law before the commencement of the *Local Government and Other Legislation Amendment Act 2012*.

The process—

- (a) applies to the making of—
  - (i) each local law that incorporates a model local law; and
  - (ii) each local law that is a subordinate local law; and
  - (iii) each other local law; but
- (b) does not apply to a local law that is an interim local law.

#### **Making a local law that incorporates a model local law**

The process (model local law making process) stated in this resolution must be used to make a local law that incorporates a model local law into the local laws of the local government.

- Step 1 — By resolution, propose to incorporate the model local law.
- Step 2 — If the model local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions.
- Step 3 — If there is an existing local law about a matter in the model local law that would be inconsistent with the matter in the model local law—amend or repeal the existing local law so that there is no inconsistency.
- Step 4 — By resolution, incorporate the model local law.
- Step 5 — Let the public know that the local law has been made, by publishing a notice of the making of the local law in accordance with the requirements of section 29B(1) to (4) inclusive of the *Local Government Act 2009*.
- Step 6 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at

the local government's public office.

- Step 7 — Within 14 days after the notice is published in the gazette, give the Minister—
- (a) a copy of the notice; and
  - (b) a copy of the local law in electronic form; and
  - (c) if the local law contains 1 or more anti-competitive provisions—
    - (i) advice of each anti-competitive provision; and
    - (ii) the reasons for their inclusion.
- Step 8 — Update the local government's register of its local laws.

### **Making an “other” local law**

The process (other local law making process) stated in this resolution must be used to make a local law (a proposed local law) other than—

- (a) a model local law; or
- (b) an interim local law; or
- (c) a subordinate local law.

Step 1 — By resolution, propose to make the proposed local law.

Step 2 — Consult with relevant government entities about the overall State interest in the proposed local law.

Step 3 — Consult with the public about the proposed local law for at least 21 days (the consultation period) by—

- (a) publishing a notice (a consultation notice) about the proposed local law at least once in a newspaper circulating generally in the local government's area; and
- (b) displaying the consultation notice in a conspicuous place at the local government's public office from the first day of the consultation period until the end of the last day of the consultation period; and
- (c) making a copy of the proposed local law available for inspection at the local government's public office during the consultation period; and
- (d) making copies of the proposed local law available for purchase at the local government's public office during the consultation period.

The consultation notice must state the following—

- (a) the name of the proposed local law; and
- (b) the purpose and general effect of the proposed local law; and
- (c) the length of the consultation period and the first and last days of the period; and
- (d) that written submissions by any person supporting or objecting to the proposed local law may be made and given to the local government on or before the last day of the consultation period stating—
  - (i) the grounds of the submission; and
  - (ii) the facts and circumstances relied on in support of the grounds.

If the local government decides, by resolution, that the proposed local law only amends an existing local law to make an insubstantial change, the local government may proceed to step 6 without satisfying step 3 or step 5.

Step 4 — If the proposed local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 3, and this step 4, may be undertaken contemporaneously.

Step 5 — Accept and consider every submission properly made to the local government.

A submission is properly made to the local government if it —

- (a) is the written submission of any person about the proposed local law; and
- (b) states—
  - (i) the grounds of the submission; and
  - (ii) the facts and circumstances relied on in support of the grounds; and
- (c) is given to the local government on or before the last day of the consultation period.

Step 6 — By resolution, decide whether to—

- (a) proceed with the making of the proposed local law as advertised; or
- (b) proceed with the making of the proposed local law with amendments; or

- (c) make the proposed local law as advertised; or
- (d) make the proposed local law with amendments; or
- (e) not proceed with the making of the proposed local law.

If the local government resolves to proceed with the making of the proposed local law with amendments, and the amendments are substantial, the local government may again —

- (a) consult with the public at step 3; and
- (b) accept and consider every submission properly made to the local government at step 5.

For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for the amended anti-competitive provision.

- Step 7 — Let the public know that the local law has been made, by publishing a notice of the making of the local law in accordance with the requirements of section 29B(1) to (4) inclusive of the *Local Government Act 2009*.
- Step 8 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at the local government's public office.
- Step 9 — Within 14 days after the notice is published in the gazette, give the Minister—
- (a) a copy of the notice; and
  - (b) a copy of the local law in electronic form; and
  - (c) if the local law contains 1 or more anti-competitive provisions—
    - (i) advice of each anti-competitive provision; and
    - (ii) the reasons for their inclusion.
- Step 10— Update the local government's register of its local laws.

### **Making a subordinate local law**

The process (subordinate local law making process) stated in this resolution must be used to make a subordinate local law (a proposed subordinate local law).

The local government may start the process for making a subordinate local law even though the process for making the local law (including a model local law) on which the subordinate local law is to be based (the proposed authorising law) has not finished.

The local government may use steps 1 to 5 of the subordinate local law making process (other than actually making the subordinate local law) before the proposed authorising law is made if—

- (a) in making the proposed authorising law, the local government has to satisfy—
  - (i) the model local law making process; or
  - (ii) the other local law making process; and
- (b) if the proposed authorising law is made under the other local law making process— the notice about the subordinate local law under step 2 of the subordinate local law making process is published no earlier than the notice about the proposed authorising law under step 3 of the other local law making process is published.

For the avoidance of doubt, a subordinate local law made by the local government using the process detailed in this resolution may provide for the local government to, from time to time, by resolution, reference or incorporate information.

For example, under the *Local Government Regulation 2012*—

- (a) the identification guidelines for the identification of anti-competitive provisions are a document made by the department and available for inspection on the department's website; and
- (b) the public interest test procedures are a document made by the department and available for inspection on the department's website.

Step 1 — By resolution, propose to make the proposed subordinate local law.

Step 2 — Consult with the public about the proposed subordinate local law for at least 21 days (the consultation period) by—

- (a) publishing a notice (also a consultation notice) about the proposed subordinate local law at least once in a newspaper circulating generally in the local government's area; and
- (b) displaying the consultation notice in a conspicuous place in the local government's public office from the first day of the consultation period until the end of the last day of the consultation period; and
- (c) making a copy of the proposed subordinate local law available for inspection at the local government's public office during the consultation period; and
- (d) making copies of the proposed subordinate local law available for purchase at the local government's public office during the consultation period.

The consultation notice must state the following—

- (a) the name of the proposed subordinate local law; and
- (b) the name of—
  - (i) the local law allowing the proposed subordinate local law to be made; or
  - (ii) if the local government has started the process for making a subordinate local law even though the process for making the proposed authorising law on which the subordinate local law is to be based has not finished — the proposed authorising law; and
- (c) the purpose and general effect of the proposed subordinate local law; and
- (d) the length of the consultation period and the first and last days of the period; and
- (e) that written submissions by any person supporting or objecting to the proposed subordinate local law may be made and given to the local government on or before the last day of the consultation period stating—
  - (i) the grounds of the submission; and
  - (ii) the facts and circumstances relied on in support of the grounds.

If the local government decides, by resolution, that the proposed subordinate local law only amends an existing subordinate local law to make an insubstantial change, and the amendment does not affect an anti-competitive provision, the local government may proceed to step 5 without satisfying any of step 2 to step 4 inclusive.

Step 3 — If the proposed subordinate local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 2, and this step 3, may be undertaken contemporaneously.

Step 4 — Accept and consider every submission properly made to the local government.

A submission is properly made to the local government if it—

- (a) is the written submission of any person about the proposed subordinate local law; and
- (b) states—
  - (i) the grounds of the submission; and
  - (ii) the facts and circumstances relied on in support of the

grounds; and

- (c) is given to the local government on or before the last day of the consultation period.

Step 5 — By resolution, decide whether to—

- (a) proceed with the making of the proposed subordinate local law as advertised; or
- (b) proceed with the making of the proposed subordinate local law with amendments; or
- (c) make the proposed subordinate local law as advertised; or
- (d) make the proposed subordinate local law with amendments; or
- (e) not proceed with the making of the proposed subordinate local law.

If the local government resolves to proceed with the making of the proposed subordinate local law with amendments, and the amendments are substantial, the local government may again —

- (a) consult with the public at step 2; and
- (b) accept and consider every submission properly made to the local government at step 4.

For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for the amended anti-competitive provision.

Step 6 — Let the public know that the subordinate local law has been made, by publishing a notice of the making of the subordinate local law in accordance with the requirements of section 29B(1) to (4) inclusive of the *Local Government Act 2009*.

Step 7 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the subordinate local law may be inspected and purchased at the local government's public office.

Step 8 — Within 14 days after the notice is published in the gazette, give the Minister—

- (a) a copy of the notice; and
- (b) a copy of the subordinate local law in electronic form; and
- (c) if the subordinate local law contains 1 or more anti-competitive provisions—
  - (i) advice of each anti-competitive provision; and

(ii) the reasons for their inclusion.

Step 9 — Update the local government's register of its local laws.

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2. Draft of Animal Management (Amendment) Local Law (No.1)  
2014

**NORTH BURNETT REGIONAL COUNCIL**  
**Animal Management (Amendment) Subordinate Local**  
**Law (No. 1) 2014**

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Animal Management (Amendment) Subordinate Local Law (No. 1) 2014*.

### 2 Subordinate local law amended

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

## Part 2 Amendments to subordinate local law

### 3 Amendment of s19 (Prescribed period for reclaiming animals — Authorising local law, schedule)

Section 19, paragraphs (a) and (b) —

*omit, insert—*

‘(a) for horses and cattle — 5 working days; or

(b) for cats and dogs that are implanted with a permanent identification device under the *Animal Management (Cats and Dogs) Act 2008* — 5 working days; or

(c) for dogs that are registered under the *Animal Management (Cats and Dogs) Act 2008* — 5 working days; or

(d) for all other animals — 3 working days.’.

### 4 Amendment of sch1 (Prohibition on keeping animals)

(1) Schedule 1, item 4, column 2, paragraphs (a) to (c) inclusive —

*omit, insert—*

‘A rooster on an allotment in an urban area unless each of the owner and the responsible person for the rooster is a recognised breeder.’.

(2) Schedule 1, after item 12—

*insert—*

‘A prohibition prescribed in this schedule does not apply to the keeping of an animal or animals on premises if—

(a) the animal or animals were kept on the premises before the commencement of the authorising local law; and

(b) the keeping of the animal or animals on the premises immediately before the commencement of the authorising local law did not contravene any provision of a local law of the local government that was repealed contemporaneously with the making of the authorising local law.’.

### 5 Amendment of sch3 (Minimum standards for keeping animals generally)

(1) Schedule 3, section 1, after paragraph (g) —

*insert—*

‘(h) A person who keeps an animal on premises must ensure that it does not cause an animal noise nuisance.’.

(2) Schedule 3, section 2—

*omit, insert—*

‘2 For the purposes of section 1(h), an animal causes an animal noise nuisance if it makes a noise which —

- (a) occurs more than once; and
- (b) disrupts or inhibits an activity ordinarily carried out on adjoining or nearby residential premises.

*Example for section 2(b) —*

A noise made by an animal which disrupts a person—

- (a) holding a conversation; or
- (b) watching a television; or
- (c) listening to a radio or recorded material; or
- (d) sleeping.

In order for an animal noise nuisance under this section 2 to occur, it is not necessary that the degree of interference from the noise is such as to be continuous, or to make it practicably impossible to—

- (a) hold a conversation; or
- (b) watch a television; or
- (c) listen to a radio or recorded material at ordinary volumes; or
- (d) fall or stay asleep.

Any occurrence by which a person is woken from sleep, or by which a person is distracted or annoyed during the course of carrying out some other ordinary activity, in a way which would not occur in the absence of the animal noise, is a disruption to or an inhibition of an activity ordinarily carried out on residential premises. It is not necessary that the animal noise totally drowns out the sound of the conversation, television, radio or recorded material. It is sufficient if attention is merely diverted from this sound by the noise which is being made by the animal. It is not necessary that the animal noise be a repeated or ongoing interruption of sleep or that it be the total shattering of sleep.

3. The criteria an authorised person must consider when deciding whether an animal makes a noise which disrupts or inhibits an activity ordinarily carried out on adjoining or nearby residential premises include—

- (a) has the local government received 3 complaints of a contravention of section 1(h) from 3 persons all of whom occupy separate premises in the same or an adjoining street to the premises the subject of the complaints; and
- (b) has the local government received 2 complaints of a contravention of section 1(h) in circumstances where the land the subject of the complaints is not located in an area occupied predominantly by residential premises.’.

## 6 Amendment of sch4 (Minimum standards for keeping particular animals)

Schedule 4, item 8 —

*omit, insert—*

‘

8. Dogs (other than greyhounds)	The owner of a dog must ensure that at all times the dog is wearing the registration device mentioned in section 12(3) of the <i>Animal Management (Cats and Dogs) Act 2008</i> .
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## 7 Amendment of sch11 (Dictionary)

Schedule 11—

*insert—*

**'allotment** means a single parcel of land, or several contiguous parcels of land where all of the contiguous parcels of land are in —

- (a) the same ownership; or
- (b) the same occupation.

**animal noise nuisance** see section 8(1) and schedule 3.

**recognised breeder**, of a species or breed of animal, means a person who is a member of an incorporated association or other body which—

- (a) has objects which promote the breeding of the species or breed of animal; and
- (b) is recognised by the local government as representative of the breeders of the species or breed of animal in the local government area of the local government.

**residence** means a building, or part of a building, that is—

- (a) fixed to land; and
- (b) designed, or approved by a local government, for human habitation by a single family unit; and
- (c) used for residential purposes.

**residential premises** means premises used, or intended to be used, predominantly as a place of residence.'

This and the preceding 3 pages bearing my initials is a certified copy of *Animal Management (Amendment) Subordinate Local Law (No. 1) 2014* made in accordance with the provisions of the *Local Government Act 2009* by North Burnett Regional Council by resolution dated the            day of            2014.

.....  
Chief Executive Officer

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**3. Draft resolution about the proposal to make the amending subordinate local law and the delegation, to the Chief Executive Officer of Council, of the public interest testing process for possible anti-competitive provisions identified in the proposed subordinate local law**

**DRAFT RESOLUTION**

Proposal to make *Animal Management (Amendment) Subordinate Local Law (No. 1) 2014* and delegate to the chief executive officer the power to undertake public interest testing in relation to possible anti-competitive provisions.

Council resolves to propose to make *Animal Management (Amendment) Subordinate Local Law (No.1) 2014*.

Council resolves, pursuant to section 257 of the *Local Government Act 2009* (“the Act”), to delegate to the Chief Executive Officer of Council its powers under section 38 of the Act and section 15 of the *Local Government Regulation 2012* to decide—

- (a) how the public interest test of the subordinate local law particularised in the schedule is to be conducted; and
- (b) the matters with which the public interest test report in relation to the subordinate local law particularised in the schedule must deal; and
- (c) the consultation process for the public interest test and how the process is to be used in the public interest test.

**SCHEDULE**

*Animal Management (Amendment) Subordinate Local Law (No. 1) 2014*.

**4. A drafting certificate for the proposed subordinate local law for execution and retention by Council**

**DRAFTING CERTIFICATE**

**NORTH BURNETT REGIONAL COUNCIL**

This is to certify that, in my opinion, the proposed Subordinate Local Law specified in the Schedule, a copy of which is attached hereto, has been drafted in accordance with section 29 (5) of the *Local Government Act 2009*.

.....  
**Chief Executive Officer**

**SCHEDULE**

1. Animal Management (Amendment) Subordinate Local Law (No. 1) 2014

**5. A list of likely anti-competitive provisions included in the proposed subordinate local law**

**ANIMAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2014  
LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS**

**Subordinate Local Law:** Animal Management (Amendment) Subordinate Local Law (No. 1) 2014

**Purpose:** The purpose of the subordinate local law is to amend Subordinate Local Law No. 2 (Animal Management) 2011.

Anti-competitive Provisions	Relevant criteria	Explanatory Comments
Subordinate Local Law section 4 (Amendment of sch 1 (Prohibition on keeping animals)).	5 - prescribed standard 7 - business restriction	A prohibition on the keeping of animals in specified circumstances which may have an impact on the conduct of a business activity.
Subordinate Local Law section 5 (Amendment of sch 3 (Minimum standards for keeping animals generally))	5 - prescribed standard 7 - business restriction	Minimum standards prescribed for the keeping of animals generally which may have an impact on the conduct of a business activity.

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**6. A draft notice for completion, execution and publication in the Central and North Burnett Times newspaper**

DRAFT PUBLIC NOTICE  
*Local Government Act 2009*

1. North Burnett Regional Council ( “Council”) has proposed to make *Animal Management (Amendment) Subordinate Local Law (No. 1) 2014*.
2. Possible anti-competitive provisions have been identified in the proposed subordinate local law. Council has proposed to conduct a public interest test in relation to possible anti-competitive provisions identified in the proposed subordinate local law.
3. *Local Law No. 2 (Animal Management) 2011* authorises the making of *Animal Management (Amendment) Subordinate Local Law (No. 1) 2014*.
4. The proposed subordinate local law amends *Subordinate Local Law No. 2 (Animal Management) 2011*.
5. The purpose and general effect of the proposed subordinate local law is to:-
  - (a) prohibit the keeping of roosters in specified circumstances; and
  - (b) regulate a nuisance caused by an animal when the nuisance is an animal noise nuisance; and
  - (c) remove references to the registration of cats from *Subordinate Local Law No. 2 (Animal Management) 2011* given Council’s decision to discontinue its cat registration regime.
6. Written submissions by any person in support of, or objecting to, the proposed subordinate local law are invited for a 21 day period commencing on ( *insert date for start of public consultation period*) and ending on (*insert last day of 21 clear day public consultation period*) (the “consultation period”).
7. During the consultation period Council will make available for inspection and purchase at Council’s public office at (*insert address*) copies of —
  - (a) the proposed subordinate local law; and
  - (b) a public interest test plan about the possible anti-competitive provisions included in the proposed subordinate local law.
8. Submissions must be received on or before (*insert last day of the 21 clear day public consultation period*) stating—
  - (a) the grounds of the submission; and
  - (b) the facts and circumstances relied on in support of the grounds.

.....  
Chief Executive Officer

7. a public interest testing explanatory memorandum which details the various steps which need to be under taken by Council to ensure compliance with the requirements of the *Local Government Act 2009* so far as the public interest testing of possible anti-competitive provisions included in the proposed subordinate local law is concerned; and

## PUBLIC INTEREST TESTING EXPLANATORY MEMORANDUM

As part of the National Competition Policy reforms Council is required to conduct a Public Interest Test on possible anti-competitive provisions identified in proposed local laws and subordinate local laws of Council. We have prepared the necessary Public Interest Test Plan (“Plan”) for the proposed subordinate local law of Council and same is **enclosed** for your consideration. In relation to the Plan, note the following:-

1. The Plan contains a heading “Extent of Consultation to be Conducted” which details Council’s obligations regarding that issue. Note that Council is required to:-
  - (a) give public notice (“Notice”) of the review in a local newspaper; and
  - (b) post the Notice on all public notice boards in the public office of Council; and
  - (c) have the Plan and the proposed subordinate local law available for inspection at Council’s public office, and have copies of same available for purchase by the public; and
  - (d) forward correspondence to each key stakeholder identified in the Plan – for example, a letter would need to be sent to:-
    - (i) any representative body upon whom the subordinate local law may have an impact; and
    - (ii) each holder of a current permit or approval under a local law of Council which authorises the keeping of dogs or roosters in Council’s local government area.
2. Please carefully read the “Extent of Consultation to be Conducted” paragraph in the Plan to ensure that you undertake the required amount of consultation.
3. Such consultation must commence, and the letters advising the relevant key stakeholders (that is, the permit holders and representative bodies as the case may be) must be forwarded by you (to the permit holders and representative bodies, as the case may be) on or about the date of commencement of Council’s Public Interest Test period so that the stakeholders have a chance to prepare submissions in relation to the proposed subordinate local law.
4. The Public Interest Test period is 21 clear days and commences on any date you nominate.
5. On the last page of the Plan there appears a heading “Time frame for conducting the Public Interest Test”. In that paragraph you need to complete the commencement date of your Public Interest Test period in the blank space provided on the Plan.
6. Note, the target date for presenting a report to Council on the results of the public interest testing is the Council meeting to be convened 3 months after the commencement of the public interest test.

7. Finally, the Plan will need to be signed by the Chief Executive Officer of Council and dated either on the date of commencement of your Public Interest Test period, or alternatively, shortly prior to that date.
8. The Plan has been prepared on the basis that the issue of approval of the content of each Public Interest Test Plan will be delegated to the Chief Executive Officer of Council. The *Local Government Act 2009* allows this decision to be delegated to the Chief Executive Officer. However, decisions in respect of recommendations contained in a public interest test report (as distinct from a public interest test plan) cannot be delegated to the Chief Executive Officer of Council. A resolution regarding this delegation issue must be passed by Council prior to the execution of the Plan by the Chief Executive Officer of Council. Refer to s 257 of the *Local Government Act 2009*. A draft resolution is **enclosed**.
9. A suggested pro forma letter to stakeholders is **enclosed** for your consideration. To simplify matters, in every case the pro forma letter should be accompanied by a copy of the Notice identified in paragraph 1(a). Note that this letter needs to be completed by inserting the date by which submissions must be received by Council (such date being the date 21 clear days after the date of commencement of the Public Interest Test period).

**8. a pro forma letter for distribution to relevant stake holders in conjunction with the implementation of the public interest test plan**

[ON COUNCIL LETTERHEAD]

(Insert Name & Address of Stakeholder)

Dear Sir/Madam

**PUBLIC INTEREST TESTING OF ANIMAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2014**

1. Council is in the process of reviewing its animal management local law. As part of the review, Council is obliged to identify possible anti-competitive provisions in a proposed subordinate local law and undertake a public interest test in relation to the subordinate local law if it contains a possible anti-competitive provision.
2. **Enclosed** is a copy of a public notice which details the public consultation process which Council is undertaking for the purposes of the review of the proposed subordinate local law.
3. We invite you to consult with Council and make submissions in relation to the proposed subordinate local law.
4. Please note that the closing date for submissions is the close of business on (*insert date of close of public interest test period*).

Yours faithfully  
CHIEF EXECUTIVE OFFICER

## 9. a public interest test plan for the proposed subordinate local law

# PUBLIC INTEREST TEST PLAN

## ANIMAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2014

### INTRODUCTION

As part of the National Competition Policy reforms, Council is conducting a public interest test on possible anti-competitive provisions identified in the subordinate local law identified in Schedule 1. The public interest test will be conducted against the principles and objectives set by the Competition Principles Agreement (CPA).

Under clause 5(1) of the CPA, all governments agreed to the principle that legislation should not restrict competition unless it can be demonstrated that:

- the benefits of the restriction to the community as a whole outweigh the costs; and
- the objectives of the legislation can only be achieved by restricting competition.

In reviewing legislation that restricts competition, clause 5(9) of the CPA requires that the review should:

- clarify the objectives of the legislation;
- identify the nature of the restriction on competition;
- analyse the likely effect of the restriction on competition and on the economy generally;
- assess and balance the costs and benefits of the restriction; and
- consider alternative means of achieving the same result including non-legislative approaches.

Without limiting the matters to be taken into account in a review Clause 1(3) of the CPA sets out matters which should be taken into account, as follows:

- government legislation and policies relating to ecologically sustainable development;
- social welfare and equity considerations, including community service obligations;
- government legislation and policies relating to matters such as occupational health and safety, industrial relations and access and equity;
- economic and regional development, including employment and investment growth;
- the interests of consumers generally or of a class of consumers;
- the competitiveness of Australian businesses; and
- the efficient allocation of resources.

This public interest test plan has been prepared in accordance with guidelines issued by the Queensland Department of Infrastructure and Planning and called up by regulation under the Local Government Act 2009 to provide a basis for community consultation. The plan details activities to be conducted during the test and identifies the depth of analysis to be carried out on the possible anti-competitive provisions.

### PURPOSE OF THE SUBORDINATE LOCAL LAW

The purpose of the proposed subordinate local law identified in Schedule 1 is to regulate the keeping of dogs and roosters and animal noise nuisance issues in Council's local government area.

### POSSIBLE ANTI-COMPETITIVE PROVISIONS

The possible anti-competitive provisions in the subordinate local law identified in Schedule 1 are also identified in Schedule 1.

### CURRENT ENVIRONMENT

Animal Management and Keeping of Animals — See Schedule 2

### TYPE OF ASSESSMENT AND LEVEL OF RESOURCES REQUIRED

The assessment of the anti-competitive provisions in the subordinate local law will be conducted as a minor review. The emphasis will be on qualitative analysis of alternatives with key impacts expressed in monetary terms where data is available.

The review will be conducted in-house by a team of officers.

**EXTENT OF CONSULTATION TO BE CONDUCTED**

Consultation will be conducted by giving public notice of the review in the local newspaper and inviting submissions. Public notices will also be posted on all public notice boards in the Council Chambers. The public notice will also advise that the consultation on anti-competitive provisions is being conducted with the public consultation for the proposed subordinate local law.

Council will consult with existing commercial operators advising of the review and seeking comment.

The public interest test plan will be open to inspection at the Council's public office and available for purchase.

**TIME-FRAME FOR CONDUCTING THE PUBLIC INTEREST TEST**

Commence public interest test	<i>(Specify the Commencement Date of Council's public interest test)</i>
Estimate of time for completing public interest test	2 months including consultation period
Consultation period	Minimum of 3 weeks (21 days)
Target date for presenting report to local government	The Council meeting to be convened by Council 3 months after the commencement of the public interest test.

**CONTENT OF THE PUBLIC INTEREST TEST REPORT**

The public interest test report will provide:

- A summary of the consultation process including a list of affected groups consulted and the outcomes of consultation
- A statement of alternatives which are assessed to be not viable
- A summary of the positive and negative impacts associated with the alternatives compared to the existing environment
- A summary of the net impacts (positive or negative) associated with the alternatives
- Recommendations

**PUBLIC INTEREST TEST PLAN APPROVAL**

This decision has been delegated by Council to the Chief Executive Officer. The *Local Government Act 2009* allows this decision to be delegated by Council. Council will not delegate any decision in respect of recommendations contained in the actual public interest test report.

Prepared by:.....  
Chief Executive Officer.

Date: / /2014.

## **Schedule 1 Identification of Subordinate Local Law**

Animal Management (Amendment) Subordinate Local Law (No. 1) 2014  
Sections 4 and 5

## Schedule 2 Current Environment — Animal Management

### **CURRENT ENVIRONMENT**

Local Law No. 2 (Animal Management) 2011 and the associated subordinate local law, together with the proposed subordinate local law may impact on a person carrying on a business which involves the keeping of roosters and other animals which are prone to make an animal noise nuisance.

The local government has discretion in the granting of approvals and in issuing an approval can place conditions on the approval. Such conditions can include, for example, requiring specified hygiene standards be met and require the approval holder to ensure that the animals do not cause nuisance, inconvenience or annoyance to others. Also, the local law prescribes standards for the keeping of animals in specified circumstances.

The approval system, together with the prescribed standards, could create a barrier to entry to a market in circumstances where the business activity involves the keeping of roosters or the keeping of animals which may potentially create an animal noise nuisance.

Without the proposed subordinate local law in place, these businesses could operate without proper regard to standards of health and safety, nuisance and amenity. Without the proposed subordinate local law, the costs imposed by the risks to health, safety, nuisance and amenity would be transferred to the community rather than being included in the transaction between business and its consumers.

The proposed subordinate local law focuses on the keeping of dogs and roosters and the regulation of animal noise nuisances. The relevant provisions do not focus on commercial activities as such, but may have an impact on the undertaking of commercial activities in any event.

The subordinate local law will have a minor affect on the size of businesses and their participation in the market. It will have a negligible effect on the consumer price or cost of production/operations and will place minor restrictions on business behaviour and product/service quality.

The subordinate local law will have no affect on business distribution, ownership, structure or form.

### **CONFIRM SECTIONS ARE ANTI-COMPETITIVE**

The sections are confirmed as anti-competitive and no errors in analysis were made in the identification stage.

### **REALISTIC REGULATORY AND NON-REGULATORY ALTERNATIVES TO THE PROPOSED SUBORDINATE LOCAL LAW**

The proposed subordinate local law regulates the keeping of dogs and roosters and animals which may make an animal noise nuisance. The proposed subordinate local law protects the community against risk of injury, damage, nuisance, health and safety hazards and environmental damage and ensures that animals are kept in a way that is consistent with the expectations of the community.

Regulatory and non-regulatory alternatives available to local government which may achieve the objective of the local law are listed in the Department of Infrastructure and Planning's guidelines on conducting public interest tests, and include the following:

- Regulation - The current regime is of this type.
- Co-regulation - This is not considered a realistic alternative by the Council. At this point in time there are many disparate industry groups in regards to animals. The Council feels that it does not have the resources to co-ordinate what it considers to be such a large exercise.
- Market/industry self-regulation - Again this is not considered to be a realistic alternative by the Council.
- No regulation - This is not considered to be a viable option by the Council.
- Public information and education programs - This is not considered a viable option by the Council.
- Economic incentives - The Council does not believe this option to be viable.
- Industry accreditation - Not applicable.
- Master licensing - Not applicable.
- Negative licensing - This may be a viable option.

- Empowering consumers - This is not considered to be a realistic alternative by the Council.

**Negative licensing** was considered to be viable at this stage with the following characteristics:

The local law would be amended to remove the requirement to hold an approval to enter the market. The ability to cancel an approval, under the current local law, would consequently be removed and the discretion provided the local government in granting approvals would also be removed.

The local law would specify a range of standards which must be complied with in relation to the conduct of the business and set penalties for any breach of the standards.

**Town planning scheme** - The Council also considered that an alternative could be to remove the approval regime and to rely on the planning scheme. The planning scheme regulates which land may be used for, by way of example, pet shops, catteries or kennels. Standards could still be enforced through the planning scheme.

#### **KEY STAKEHOLDERS AFFECTED BY THE CURRENT SITUATION AND BY A MOVE TO ALTERNATIVE ARRANGEMENTS**

**Negative licensing** - The following stakeholders and broad impacts have been identified:

Stakeholders/broad impacts	Impact, rating and rationale
<p><b>Local government</b></p> <p>The local government is impacted because of the change in its activities which would result under the new regulatory arrangement and from the loss of fees from approval applications.</p>	<p><b>Low Negative</b> - Only requires implementation of changes to local law.</p>
<p><b>Business</b></p> <p>Existing and potential business are impacted because of changes in the market ie. reduction in barrier to entry/lower costs.</p>	<p><b>Low Positive</b> - Reduction in costs would be minimal.</p>
<p><b>Consumers</b></p> <p>Consumers may be impacted through lower costs for services.</p> <p>Potential for reduced standards.</p>	<p><b>Low Positive</b> - Reduction in cost of services would be minimal.</p> <p><b>Low Negative</b> - Standards remain but local government's control over operators reduced.</p>
<p><b>Animal interest groups</b></p> <p>Possible impact on role of monitoring issues.</p>	<p><b>Low Negative</b> - Possible increase in monitoring role.</p>
<p><b>Neighbours</b></p> <p>Possible impact if the standards are not met.</p>	<p><b>Low Negative</b> - Possible increase in nuisance and decrease in amenity.</p>

**Town planning** - The following stakeholders and broad impacts have been identified:

Stakeholders/broad impacts	Impact rating and rationale
<p><b>Local government</b></p> <p>Will require the local government to repeal the local law and make amendments, if necessary, to the planning scheme.</p>	<p><b>Low Positive</b> - Should reduce red tape</p>
<p><b>Business</b></p> <p>Existing and potential business are impacted because of changes in the market ie. reduction in barrier to entry/lower costs.</p>	<p><b>Low Positive</b> - Reduction in costs would be minimal.</p>
<p><b>Consumers</b></p> <p>Consumers may be impacted through lower costs for services.</p> <p>Potential for reduced standards.</p>	<p><b>Low Positive</b> - Reduction in cost of services would be minimal.</p> <p><b>Low Negative</b> - Standards remain but local government's control over operators reduced.</p>
<p><b>Animal interest groups</b></p> <p>Possible impact on role of monitoring issues.</p>	<p><b>Low Negative</b> - Possible increase in monitoring role.</p>
<p><b>Neighbours</b></p> <p>Will give neighbours the opportunity to object to any new businesses</p>	<p><b>Low Positive</b> - Neighbours will be given the opportunity to give their opinions to the local government where a new business applies for planning approval.</p>

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## 10. Advice from King and Company.

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Our ref: JHN:KS:AA20249  
Your ref: Mark Pitt  
Date: 2 July, 2014

Level 7, Quay Central  
95 North Quay, Brisbane.  
G.P.O. Box 758, Brisbane, Q, 4001  
Telephone: (07) 3243 0000  
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The Chief Executive Officer  
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By Email: [Mark.Pitt@northburnett.qld.gov.au](mailto:Mark.Pitt@northburnett.qld.gov.au)  
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### ANIMAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2014

1. In accordance with our recent telephone discussions, we have now revised the documentation previously forwarded to Council regarding the making of *Animal Management (Amendment) Subordinate Local Law (No. 1) 2013* and *Animal Management (Amendment) Subordinate Local Law (No. 2) 2013* as Council has not considered the content of either of these documents to date.
2. We enclose:-
  - (a) a draft local law making process which will need to be adopted by Council in its entirety (by resolution) given the commencement of the *Local Government and Other Legislation Amendment Act 2012*; and
  - (b) a draft of *Animal Management (Amendment) Subordinate Local Law (No. 1) 2014*; and
  - (c) a draft resolution for inclusion in a report about the proposal to make the amending subordinate local law and the delegation, to the chief executive officer of Council, of the public interest testing process for possible anti-competitive provisions identified in the proposed subordinate local law; and
  - (d) a drafting certificate for the proposed subordinate local law for execution and retention by Council; and
  - (e) a list of likely anti-competitive provisions included in the proposed subordinate local law; and
  - (f) a draft notice for completion, execution and publication in a newspaper circulating in Council's local government area which addresses Council's obligation to:-
    - (i) consult with the public regarding the making of the proposed subordinate local law; and
    - (ii) also consult with the public about possible anti-competitive provisions included in the proposed subordinate local law; and
  - (g) a public interest testing explanatory memorandum which details the various steps which need to be undertaken by Council to ensure compliance with the requirements of the *Local Government Act 2009* so far as the public interest

- testing of possible anti-competitive provisions included in the proposed subordinate local law is concerned; and
- (h) a pro forma letter for distribution to relevant stakeholders in conjunction with the implementation of the public interest test plan; and
  - (i) a public interest test plan for the proposed subordinate local law.
3. Note that the resolutions referred to in paragraph 2 must be made in the order in which they appear in paragraph 2, otherwise Council's subordinate local law making process will not survive objective scrutiny.
  4. During the public consultation process, Council is obliged to accept and consider all submissions properly made to Council about the proposed subordinate local law. Having considered all submissions, Council is obliged to decide whether to proceed with the making of the proposed subordinate local law either as advertised, with amendments, or not at all.
  5. At an administrative level, please advise Council's position after it has considered all submissions properly made to it and we will draft the necessary resolutions for consideration by Council so that Council may proceed with its subordinate local law making process.

Please contact the writer if you have any queries.

Yours faithfully  
**KING & COMPANY**



Contact and Partner responsible:  
Contact's e-mail:

James Neilson  
James.Neilson@kingandcompany.com.au

**REQUEST FOR REVIEW - INFRASTRUCTURE CHARGES -  
JEFF AND KAREN RUTHENBERG**

*File: 17.6.07*

*Responsible Officer: David Wiskar—General Manager*

*Report prepared by: Connie Dyke, IDAS Coordinator / Administration Officer*

**1 PURPOSE OF REPORT**

This report seeks to advise Council of its options in relation to a request by Jeff and Karen Ruthenberg to review the charges contained in an Adopted Infrastructure Charges Notice. The notice was issued 7 May 2013 in respect of a development permit for reconfiguring a lot over Lot 77 on YL147 located at Bald Hills Norris Corner Road, Mundubbera.

**2 BACKGROUND**

On 6 June, 2011, the Queensland State Government introduced an amendment to the *Sustainable Planning Act 2009*, for the purpose of setting maximum standard infrastructure charges for local governments throughout Queensland. This was achieved with the establishment of the State Planning Regulatory Provision (SPRP) (adopted charges) on 30 June, 2011. The "adopted charges" set a maximum charge which is set by the State Government.

On 17 December, 2013 Council resolved to adopt the 'Adopted Infrastructure Charges Resolution (No 7) 2013 (AICR 2013)'. The AICR 2013 became effective on 13 March 2014.

Mr and Mrs Ruthenberg submitted a development application on 31 January 2013 for a reconfiguration of a lot (1 lot into 3 lots) on the Bald Hills Norris Corner Road, Mundubbera on land described as Lot 77 on YL147.

Council approved the application and forwarded a Decision Notice plus Adopted Infrastructure Charges Notice (AICN) on 7 May 2013. The AICN totaled an amount of \$15,000 (\$7,500 per lot).

On 23 May 2014, Mr and Mrs Ruthenberg paid the amount of \$3,000 and submitted a survey plan for signing and sealing. Mr and Mrs Ruthenberg's representatives, Wayne Say and Associates were contacted and advised that the correct AICN amount had not been paid; that the amount paid was as per the new AICN and not the fees as at the time of the decision. This discussion was later followed up Council correspondence, dated 11 June 2014.

Mr and Mrs Ruthenberg have since submitted correspondence to Council, received 23 June 2014, requesting that the charge of \$7,500 per additional in the AICN be reduced to \$3,000 as the application is in a rural area and the only infrastructure believed to be utilised would be Bald Hills Norris Corner Road, a gravel formed road.

### **3 CORPORATE/OPERATIONAL PLAN**

There is no conflict with Council's Corporate Plan

### **4 POLICY IMPLICATIONS**

Council's intentions to reduce the infrastructure charges applicable to development are clear in its resolution of 17 December 2013.

### **5 STATUTORY REQUIREMENTS**

The State Planning Regulatory Provision (SPRP) (adopted charges) came into force on 30 June, 2011. The State Government sets the maximum charges that can be charged by local government in their infrastructure charging schedule.

On 17 December, 2013 Council resolved to adopt the 'Adopted Infrastructure Charges Resolution (No 7) 2013 (AICR 2013)'. The AICR 2013 became effective on 13 March 2014.

### **6 FINANCIAL IMPLICATIONS**

Council has already set a precedent at its General Meeting held on 18 March 2014 when approving an amended AICN be forwarded to Mr Mark Postle on behalf of Messrs RM, JM, RM, CR and MM Postle. Mr Postle requested a review of an Adopted Infrastructure Charges Notice issued on 20 June 2013 in respect of a development permit for reconfiguring a lot over Lot 91 MZ776 located at 520 Glenrae Dip Road, Mundubbera.

### **7 RISK MANAGEMENT**

N/A

### **8 CONSULTATION**

Discussions have been held between Council's Development Services staff and the applicant.

### **9 OPTIONS FOR COUNCIL TO CONSIDER**

Council can consider this report and accept, reject or amend the recommendation.

## **10 OFFICER'S COMMENTS/CONCLUSION**

The applicant must pay the infrastructure charges prior to Council approving the plan of subdivision.

### **RECOMMENDATIONS**

That Council advise Jeff and Karen Ruthenberg that it will reissue the Adopted Infrastructure Charges Notice for Reconfiguring a Lot — Subdivision (1 lot into 3 lots) for Lot 77 YL147 at Bald Hills Norris Corner Road, Mundubbera using the revised charges applicable at that date (currently those contained in the Adopted Infrastructure Charges Resolution made 17 December 2013 - \$1,500 per lot for two additional lots).

## ECON 02 Development Statistics

Responsible Officer: Lex Webster – Manager of Development & Compliance

Report prepared by: Sue-Ann Jensen – Administration Officer (Development and Environment)

8 July 2014 – Standing Committee

### 1 PURPOSE OF REPORT

The purpose of this report is to provide Council with information on the number and type of development applications received for the month identified.

### 2 INTRODUCTION/BACKGROUND

The attached report details Building, Planning and Plumbing Statistics

	NUMBER OF APPLICATIONS RECEIVED - May 2014						TOTAL
	Biggenden	Eidsvold	Gayndah	Monto	Mundubbera	Perry	
<b>PLANNING</b>							
* MCU					1		1
* ROL							0
* Other							0
Sub - Total Planning	0	0	0	0	1	0	1
<b>BUILDING</b>							
* Domestic (Dwg/Shed/pools etc)	4		1	3	5	1	14
\$ value of work	\$53,380	\$0	\$13,200	\$85,500	\$66,741	\$7,000	\$225,821
* Commercial/Industrial	1		1				2
\$ value of work	\$34,357		10,000				44,357
Sub - Total Building	5	0	2	3	5	1	16
<b>PLUMBING</b>							
* Domestic (Dwg/Shed)		1					1
* Commercial/Industrial							0
Sub - Total Plumbing	0	1	0	0	0	0	1
<b>TOTAL</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>6</b>	<b>1</b>	<b>18</b>

### MONTHLY COMPARISON

TYPE OF APPLICATION	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Total (13 Months)
Planning	2	5	6	5	2	2	5	3	1	2	2	4	1	40
Building	12	17	19	20	14	23	15	11	16	8	14	7	16	192
Plumbing	3	11	3	6	4	5	8	3	2	3	2	5	1	56
<b>TOTAL</b>	<b>17</b>	<b>33</b>	<b>28</b>	<b>31</b>	<b>20</b>	<b>30</b>	<b>28</b>	<b>17</b>	<b>19</b>	<b>13</b>	<b>18</b>	<b>16</b>	<b>18</b>	<b>288</b>

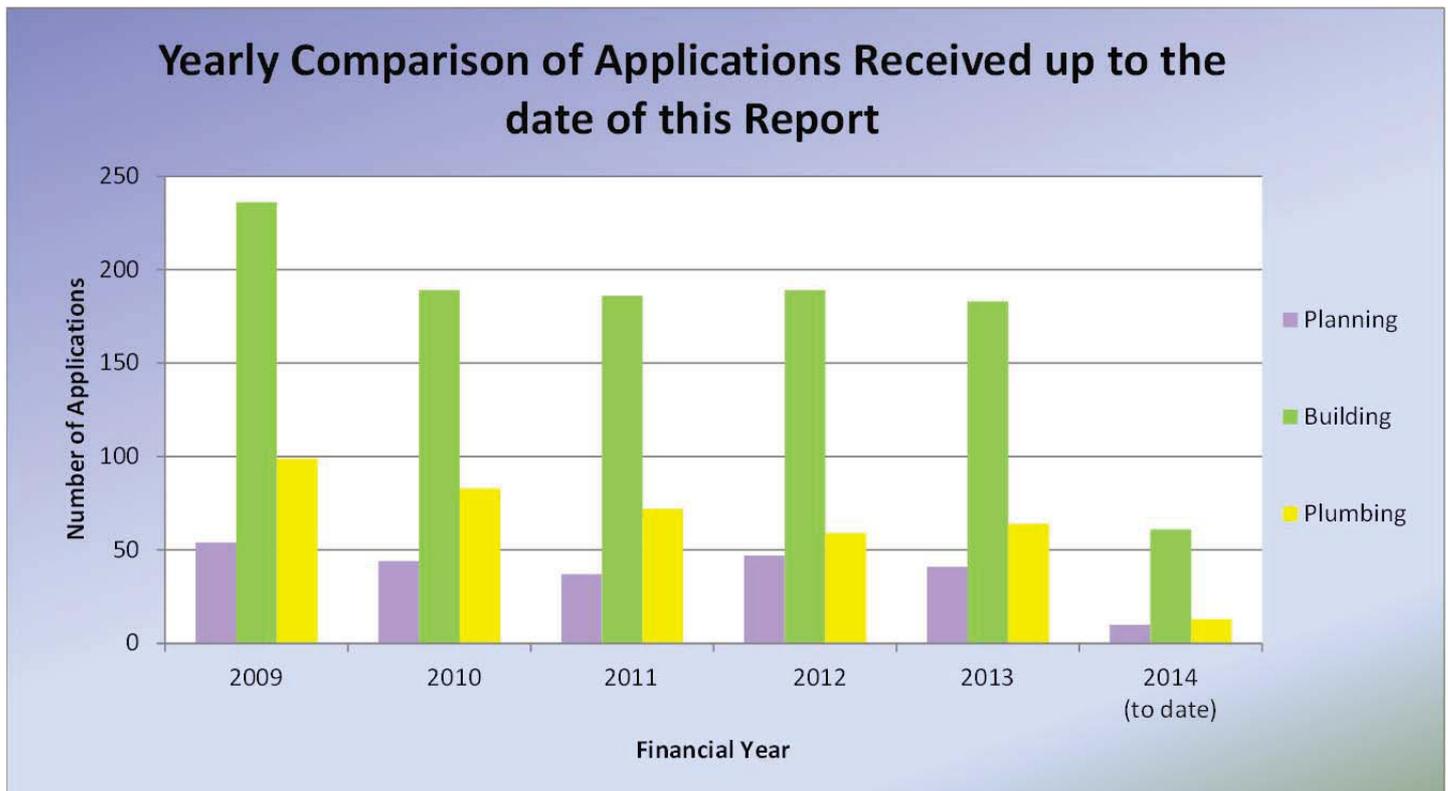
**NUMBER OF APPLICATIONS THAT HAVE EXCEEDED THE ALLOWABLE ASSESSMENT TIME (SPA)**

TYPE OF APPLICATION	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14
Planning												
Building												
Plumbing												
<b>TOTAL</b>	<b>0</b>											

**Yearly Comparison - Number of Applications Received**

TYPE OF APPLICATION	2009	2010	2011	2012	2013	2014 (to date)	PROJECTED TOTAL 2014	PROJECTED % INCREASE/DECREASE FROM PREVIOUS CALENDAR YEAR
Planning	54	44	37	47	41	10	22	-46.30%
Building	236	189	186	189	183	61	108	-41.00%
Plumbing	99	83	72	59	64	13	29	-54.70%
<b>TOTAL</b>	<b>389</b>	<b>316</b>	<b>295</b>	<b>295</b>	<b>288</b>	<b>84</b>	<b>159</b>	<b>-44.80%</b>

**Yearly Comparison of Applications Received up to the date of this Report**



## **Note**

- The number of Building Applications is the combined total of all those received by Council and Private Certifiers.
- The total projected figures are for the calendar year not financial year.
- The total value of building work may not be accurate. The values are extracted from the information provided on the application forms and in some cases they are absent or understated.
- The applications noted above are those received for the month, some may not yet be approved.

### **3 CORPORATE/OPERATIONAL PLAN**

In accordance with Outcome 2 Economic Development and Tourism with particular relevance to section 2.4 Land Use Planning.

### **4 POLICY IMPLICATIONS**

Not applicable

### **5 STATUTORY REQUIREMENTS**

*Integrated Planning Act 1997, Sustainable Planning Act 2009, Plumbing and Drainage Act 2002, Building Act 1975.*

### **6 FINANCIAL IMPLICATIONS**

Not applicable.

### **7 RISK MANAGEMENT**

Not applicable.

### **8 CONSULTATION**

Council's 'in house' Staff (Planning, Building, Engineering and Environmental Health), Council's Consultants (Town Planners, Plumbing Inspector, Engineers etc.) and Government Departments if and when required as Referral Agencies.

### **9 OPTIONS FOR COUNCIL TO CONSIDER**

Information only.

### **10 OFFICER'S COMMENTS/CONCLUSION**

For Council's consideration

### **11 ATTACHMENTS**

Planning, Building and Plumbing applications for the month of May

## North Burnett Regional Council Approvals Report

Application Number	Property Address	Description	Assessment Number	Value
0062/14	19 WILLSON AVENUE, MUNDUBBERA QLD 4626	BUILDING - Bathroom renovation	60342-00000-000	\$23,184
0064/14	626 PLATEAU ROAD, TELLEBANG QLD 4630	BUILDING - Alterations & Additions	41740-00000-000	\$50,000
0063/14	47 STRATHDEE STREET, MUNDUBBERA QLD 4626	PLANNING - Material Change of Use	60427-00000-000	\$0
0065/14	353 CAMPBELLS ROAD, CORINGA QLD 4621	BUILDING - Shed	10837-90000-000	\$34,357
0067/14	44 BURNETT STREET, MUNDUBBERA QLD 4626	BUILDING - Restump Dwelling	60025-00000-000	\$24,750
0071/14	WOOWOONGA HALL ROAD, BIGGENDEN QLD 4621	BUILDING - Shed	10953-00000-000	\$22,000
0072/14	4 ANNIE STREET, MOUNT PERRY QLD 4671	BUILDING - Patio	50181-02000-000	\$7,000
0073/14	634 Gooroolba-Biggenden Road, Delgbo	BUILDING - Shed	10484-10000-000	\$8,000
0074/14	650 BIGGENDEN-GOOROOLBA ROAD, DEGILBO QLD 4621	BUILDING - Resite Dwelling (IN)	10484-10000-000	\$0
0075/14	385 MUNDUBBERA-DURONG ROAD, BOYNEWOOD QLD 4626	BUILDING - Removal Dwelling (OUT)	60492-00000-000	\$1,000
0076/14	21 TARDENT STREET, BIGGENDEN QLD 4621	BUILDING - Shed	10303-00000-000	\$23,380
0077/14	37 BOYD ROAD, GAYNDAH QLD 4625	BUILDING - Shed	30566-51700-000	\$13,200
0078/14	ROTHS ROAD, MOONFORD QLD 4630	BUILDING - Shed	41375-10000-000	\$27,000
0079/14	6 LONG DRIVE, MONTO QLD 4630	BUILDING - Alterations & additions	40555-60006-000	\$8,500
0080/14	163 STAIBS ROAD, BAN BAN SPRINGS QLD 4625	BUILDING - Packing Shed and Office	31057-11000-000	\$10,000
0081/14	SPRING GULLY ROAD, EIDSVOLD QLD 4627	PLUMBING - Drop Toilet	20540-00000-000	\$0
0084/14	19476 BURNETT HIGHWAY, MUNDUBBERA QLD 4626	BUILDING - Farm Shed	60610-00000-000	\$12,000
0085/14	88 LEICHHARDT STREET, MUNDUBBERA QLD 4626	BUILDING - Carport	60147-00000-000	\$5,807
				<b>\$270,178</b>