

2013

Standing Committee Meetings –
Policy and Planning



NORTH BURNETT
REGIONAL COUNCIL

Mt Perry

North Burnett Regional Council

3 September 2013

**NORTH BURNETT REGIONAL COUNCIL
POLICY AND PLANNING STANDING COMMITTEE MEETING
AGENDA – MT PERRY – 3 SEPTEMBER 2013**



Attendees	Agenda Item 1	Attendees	<u>DOCUMENT ID 489532</u>
Welcome	Agenda Item 2	Welcome / Housekeeping	
Apologies	Agenda Item 3	Apologies	
Declaration	Agenda Item 4	Declaration of Interest	
Deputations	Agenda Item 5	Deputations	
	5.1	Creative Regions – Presentation – 10.30am	
Governance	Agenda Item 6	Governance Report	
	6.1	In-Kind Grants to Not-For-Profit Community Organisations	003-005
	6.2	General Policy – Mobile Toilet Use	006-009
	6.3	Abandoned Vehicle Policy	010-018
Economic	Agenda Item 7	Economic Report	
	7.1	Request to Reconsider Adopted Infrastructure Charges Notice	019-030
	7.2	Development Statistics	031-035
Social	Agenda Item 8	Social Report	
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General Business	Agenda Item 10	General Business	
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IN-KIND GRANTS TO NOT-FOR-PROFIT COMMUNITY ORGANISATIONS

*Responsible Officer: Andrew Jackson – Director Community / Cultural Services
Report by: Pascal Kellenberg – Community Development Project Officer*

1 PURPOSE OF REPORT

The purpose of this report is to further the discussion around the 'user-pays' approach being implemented for in-kind support to Not-For-Profit Community Organisations who no longer receive free photocopies or free hall hire but pay a nominal amount.

2 INTRODUCTION/BACKGROUND

The adoption of the 'user-pays' system for Not-For-Profit Community Organisations has been implemented in the Fees and Charges Schedule and will come into effect on the 1 September 2013. The next Council Newsletter carries the message to the community – and will be accompanied by letters to all organisations with training for all customer service staff. This report is to tackle other outstanding questions around waivers to include those elements in the same trainings and communications.

In-kind mowing

Council Parks and Gardens crew still practice a number of in-kind mowing services which do not proceed through the waiver process and subsequently get booked to Parks and Gardens budgets and not community grants. An effort will have to be made to bring these activities under the waiver budget and Council direction is sought on the future handling of in-kind mowing.

Other facilities – example Archer Park

A lighting fee has been standardised and applied to sports facilities. New facility charges have been introduced (example Archer Park). To clarify the situation for customer service staff direction is sought on defining the following in the Fees and Charges Schedule: lighting fees cannot be waived. Local organisations do not pay these fees; only private persons and organisations outside the North Burnett. Subsequently no waiver process is ever to be applied to these fees.

Building Fees waiver

Under the new 'user-pays' approach direction is sought as to the handling of building fee waivers. They are currently brought through the grants process.

Bin waivers

Bin waivers present a challenge as they often incur costs to Council (third party service provisioning). They also present a work process challenge since they quickly amount to an expenditure which should be handled through the regular grants process and often result in a non-functional turn around time for events.

Council direction is sought on the future handling of bin waivers – suggested is the scenario of a Director's approval of bin services for events up to **12 bins (estimated at \$500)** with remaining applications going through the Community Grants application process.

This 12 bin service is based on a single service on the normal day the town collection is completed. Any weekend services will automatically need to be considered under the community grants.

3 CORPORATE/OPERATIONAL PLAN

In accordance with Outcome 2 – Social Wellbeing, Section: 2.4 Community Group Support

4 POLICY IMPLICATIONS

The allocation of funding for not-for-profit organisations is based on and in accordance with Statutory Policy 102 – Grants to Community Organisations.

5 STATUTORY REQUIREMENTS

Part 5, Section 194 and 195 of the 2012 Local Government Regulations.

6 FINANCIAL IMPLICATIONS

Allocation has not yet been made in the 2013/2014 budget.

7 RISK MANAGEMENT

Recommendations provided in this report for the allocation of funds have been made in accordance with Statutory Policy 102 – Grants to Community Organisation.

8 CONSULTATION

NIL

9 OPTIONS FOR COUNCIL TO CONSIDER

- Consider this report and accept recommendations.
- Consider this report and amend recommendations.

10 OFFICER'S COMMENTS/CONCLUSION

NIL

11 ATTACHMENTS

NIL

RECOMMENDATIONS

1. That Council resolve that in order to receive any **in-kind mowing** services by Council, a Not-For-Profit Organisation must apply through the community grants process requesting recurring mowing services for a period of up to 12 months.
2. That Council resolves that the current Fees and Charges Schedule be amended to reflect that **sports and recreation facilities** – (newly added to new Fees and Charges Schedule) include a clarification that local organisations do not pay hire fees (only lighting usage fees), with only private persons and organisations outside the North Burnett needing to pay the hire fees.
3. That Council resolve that **bin waivers** of up to 12 bins be subject to a Director's approval with applications requiring more bins going through the regular Community Grants application process.

Policy Title:	Mobile Toilet Use Policy
Policy No:	New
Policy Subject:	Community Services
Directorate:	Community & Cultural Services
Department:	Community Services
Responsible Officer:	Chief Executive Officer
Authorised by:	North Burnett Regional Council
Adopted Date:	New
Review Date:	
Authorities:	

INTRODUCTION:

OBJECTIVES: This policy is designed to facilitate the smooth operation and understanding of the Use and maintenance of Council Mobile Toilets

PRINCIPLES:

Availability

North Burnett Regional Council's Mobile Toilet will be made available within the North Burnett Region for use to community groups, clubs, businesses and individuals provided they are able to comply with the Terms and Conditions relating to the use. Terms and Conditions are contained within the Use Agreement.

Informal groups that are not part of an organisation and are thus not incorporated or accredited, are not eligible. It is inappropriate for North Burnett Regional Council to take on the risk of liability for activities of the user when:

1. The user holds no public liability insurance
2. The user is not accountable to any committee or body for service standards or operating requirements

Use outside the Region must be approved by the Chief Executive Officer.

Priority will be given to:

- (a) venues where existing toilet facilities are inadequate or do not meet current health requirements (every effort will be made to ensure known events at such venues are booked/calendared well in advance)
- (b) community groups and/or Not for Profit Organisations.

Use Agreement

Users will be required to execute a Use Agreement which will contain Council's standard Terms and Conditions.

Use Charges

Users will be required to pay to Council the charges outlined in Council's Schedule of Fees and Charges as determined from time to time. Charges may include bonds, deposits and use charges.

Transport

The hiring party will be responsible for transporting the mobile toilet from the Council Depot where the toilets are stationed to the event destination – and back to the same Depot thereafter.

Bookings

The mobile toilet can be booked at any Council Administration Centre. Bookings are not final until all charges are paid or other arrangements are made.

Damages

The user will be responsible for the cost of repairs resulting from any damage caused to the toilet equipment by any members of the using party other than by accident or normal wear and tear.

Cleaning

Users will be required to return the Mobile Toilet to Council clean and the waste tanks emptied. The user will have to organise the waste disposal / pumping out service to empty out the waste tanks before the end of the agreed upon hiring period. In the event that the toilet is not returned to Council in an appropriate condition the user will be liable for the actual cost of cleaning.

User's Additional Responsibilities

- a) Responsibility for the toilet is transferred to the user when the toilet is picked up by the user.
- b) The user will be responsible for the handover of the toilet at the agreed time, in clean and tidy condition with the waste tank emptied.
- c) The user will be responsible for assuring the behaviour of every occupant is at all times acceptable and nothing is permitted that is disorderly or unlawful.
- d) Smoking will not be permitted in the toilet.
- e) No animals will be permitted in the toilet.



Mobile Toilet Use Agreement

AGREEMENT made on the _____ day of _____, 2013 between **NORTH BURNETT REGIONAL COUNCIL** (the owner) and the user named in Part A of this agreement. The parties to this agreement agree to use the North Burnett Regional Council Mobile Toilet on the terms and conditions outlined in Part B for the period to.....

PART A

USER:

USER'S ADDRESS:

ABN (If Applicable):

PUBLIC LIABILITY INSURER:

CONTACT/RESPONSIBLE PERSON:

CONTACT DETAILS:

Phone:

Address:

ADDRESS OF VENUE:

The user / hirer accepts the condition that he is responsible:

- For cleaning the toilet before returning it to Council
- For emptying out the waste tanks before returning it to Council
- Transporting the toilet from Council premises where they are available at the time of hire – and returning it to the same premises.
- All other conditions as outlined in Part B terms and Conditions

Signed for and on behalf of User

.....

.....

Please Print Name

PART B

TERMS AND CONDITIONS

Charges

The user agrees to pay to Council the charges as outlined in its current Schedule of Fees and Charges unless otherwise provided.

Transport

The user is responsible for the transportation of the Mobile Toilet to and from the user's venue. Any variance to this arrangement must be agreed by one of Council's Senior Executive.

Insurance

The user is required to maintain Public Liability Insurance cover to the extent of \$10,000,000 with Council noted as an interested party. The user must be covered against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought or made or claimed against the user arising out of or in relation to the use of the Toilet. Evidence of cover including the notation of Council's interest is to be provided to Council prior to the commencement of use.

Property insurance is provided by North Burnett Regional Council however the user will be responsible for the cost of any damages caused to the Toilet by the user or its members during the period of use and not covered by Council's insurance.

Hold Harmless

The user agrees to indemnify and keep indemnified, and to hold harmless the Council, its servants and agents and each of them from and against all actions, costs, claims, expenses, penalties, demands and damages whatsoever which may be brought or made or claimed against them, or any of them arising from the users performance or purported performance or its obligations under this agreement that may be directly related to negligent acts, errors or omissions of the user. The user's liability to indemnify Council shall be reduced proportionally to the extent that any act or omission of the Council, its servants or agents, contributed to the loss in liability.

Cleaning

The user is required to return the Mobile Toilet to Council in clean condition. In the event that the Toilet is not returned to Council in an appropriate condition the user will be liable for the actual cost of cleaning.

Smoking

Smoking is not permitted inside the Mobile Toilet.

Animals

No animals are permitted in the Toilet at any time.

Waste Tank Emptying

Waste tank contents are to be disposed of in an appropriate manner before returning the mobile toilet to Council.

User's Property

North Burnett Regional Council shall not be responsible for any loss or damage to property belonging to the user or any person occupying the Toilet under this agreement.

Bad or Inclement Weather

Bad or inclement weather in respect to bookings is at the risk of the user. Use charges will still apply.

Notices

No bills, posters or notices are to be displayed in or on the Mobile Toilet without consent.

Force Majeure

North Burnett Regional Council shall not be liable for failure or delay in performing obligations set forth in this agreement and North Burnett Regional Council shall not be deemed in breach of its obligations, if such failure or delay is due to natural disasters, strike, lock-out or other industrial or transportation disturbances, law, regulation or ordinance, or any causes reasonably beyond the control of North Burnett Regional Council.

No Assignment

The user may not assign this agreement to another party.

ENV 1 ABANDONED VEHICLE POLICY

Attachments: Abandoned Vehicle Policy

File:

Responsible Officer: Bob Savage – Director of Development & Environment

Report prepared by: Brad Peel – Manager Environment and Compliance

1 PURPOSE OF REPORT

The purpose of this policy is to develop consistent and transparent guidelines to how we deal with abandoned vehicles across the North Burnett Regional Council area.

2 INTRODUCTION/BACKGROUND

This policy identifies consistent approaches/ actions required when:

- a vehicle has been left on a road unattended whether temporarily or for a period of time; or in a place, condition, way or circumstances where it is hazardous; or
- the driver of the vehicle cannot be located or has failed to immediately remove the vehicle when required.

3 CORPORATE/OPERATIONAL PLAN

4.5.3 Compliance activities in relation to local laws, land use, building, plumbing and drainage

4 POLICY IMPLICATIONS

Information Privacy 118, Waste Scavenging and Disposal 244.

5 STATUTORY REQUIREMENTS

Transport Operations (Road Use Management Act) 1995
Local Government Act 2009

6 FINANCIAL IMPLICATIONS

Nil

7 RISK MANAGEMENT

The intent of this policy is to improve transparency and offer procedural guidelines to ensure a consistent approach. This will essentially reduce the risk/s to Council.

8 CONSULTATION

The Abandoned Vehicle Policy was tabled at the 13/08/13 Management Executive Group (MEG) Meeting for consultation/ feedback.

9 OPTIONS FOR COUNCIL TO CONSIDER

Nil

10 OFFICER'S COMMENTS/CONCLUSION

The Abandoned Vehicle Policy will govern Council's consistent approach to the handling of vehicles left abandoned on both State and Council roads within the North Burnett.

11 ATTACHMENTS

Abandoned Vehicle Policy

RECOMMENDATION

It is recommended that:

- a) Council resolves to adopt the Abandoned Vehicle policy for the handling of Abandoned Vehicles on Council and State roads when required.

Policy Title:	Abandoned Vehicles
Policy Number:	
Subject:	Abandoned Vehicles
Directorate:	Director of Development and Environment
Department:	Environment and Compliance
Responsible Officer:	Chief Executive Officer / Director Development and Environment
Authorised by:	North Burnett Regional Council
Adopted Date:	Policy & Strategy Meeting –
Review Date:	
Authorities:	North Burnett Regional Council Code of Conduct; Fraud and Corruption Prevention, Local Government Act 2009 and Regulations 2012; Right to Information Act 2009 and Regulations 2009; Information Privacy Act 2009 and Regulations 2009; Work Health & Safety Act, Public Records Act
Other relevant Policy:	Information Privacy 118, Waste Scavenging and Disposal 244.

Definitions:

Purpose: The purpose of this policy is to develop consistent and transparent guidelines to how we deal with abandoned vehicles within the North Burnett Regional Council area. This policy identifies consistent approaches/ actions required when:

- a vehicle has been left on a road unattended whether temporarily or for a period of time; or in a place, condition, way or circumstances where it is hazardous; or
- the driver of the vehicle cannot be located or has failed to immediately remove the vehicle when required.

References

Transport Operations (Road Use Management) Act 1995

RESPONSIBILITY

Chief Executive Officer

Director Development and Environment
 Manager Environment and Compliance
 Compliance Officers
 Administration Assistant

DEFINITIONS

Hazardous	Causing or is likely to cause, danger, hindrance or obstruction to traffic or is preventing, hindering or obstructing or is likely to prevent, hinder or obstruct the use of road or part of the road for a lawful purpose.
Vehicle	Includes any part of the vehicle
Abandoned Vehicle	A vehicle which has no current registration or number plates.
Road	(a) includes a bus way under the <i>Transport Infrastructure Act 1994</i> ; and (b) includes an area that is— (i) open to or used by the public and is developed for, or has as 1 of its uses, the driving or riding of motor vehicles, whether on payment of a fee or otherwise; or (ii) dedicated to public use as a road; but (c) does not include an area declared under a regulation not to be a road. <i>Example of an area that is a road— a bridge, cattle grid, culvert, ferry, ford, railway crossing, shopping center car park, tunnel or via duct</i>

PROCEDURE

1. Check the vehicle and ascertain if it's currently registered or has number plates.
 - a) If the car is **registered/ unregistered** and **has number plates**, inform the police of the vehicle's location for their further action. For unregistered vehicles the Police may authorise Council to remove the plates at the time of towing and deliver them to the Queensland Transport or the Police Station.
 - b) If the car is **not registered** nor has **no number plates** then contact police to ascertain if they are aware of the abandoned vehicle and the owner's details. If possible obtain a copy of the *Qld Police Service 'Vehicle Details' sheet* listing last known, registered owner's details.
2. Place the *Abandoned Vehicle sticker* on the driver's side of the windscreen, specifying that the vehicle must be removed within (a minimum of) 48 hours. Photograph the scene and the sticker in position and complete a '*Vehicle Impounding Form*'
3. After the 48 hour time frame expires and Council has not been contacted by the owner, Council may then remove the vehicle from the road.
4. Raise a purchase order for the towing of the vehicle and liaise with the contractor for a mutually convenient time to collect. At least one Council officer must be present at the collection. Together with the towing contractor, inspect the vehicle and complete the '*Pre-existing damage and condition report*'.
5. Either at the time of towing, or as soon as practicable after the vehicle is delivered to the holding yard, a minimum of two Authorised Officers shall take an inventory of the vehicle contents. All items which might be regarded as having monetary or personal value must be listed, removed from the vehicle and taken to secure storage in a Council Office. Any non-

standard items forming part of the vehicle (such as stereo equipment, alloy wheels, roof racks and accessories) should also be listed and photographed.

6. As soon as practicable, and certainly within 14 days, after removal of the vehicle, a written notice (2012 Impounded Vehicle - Notice to last Owner) must be sent by registered post, to the last registered owner. If this is not possible, then the notice must be given by public advertisement in the Central and North Burnett Times or other local newspapers.
7. Create a new record in the "Impounded Vehicles Register". Store the:
 - Vehicle Impounding Form
 - Condition/Damage Report
 - Police 'Vehicle Owners Details' sheet
 - 'Vehicle Contents Inventory' and any photographs
 - Copy of "Notice to last Owner" with proof of Registered Post Sticker attached, in the file.
8. If contacted by the owner Council must not deliver possession of vehicle to owner or to another person acting on owner's behalf unless the following have been complied with;
 - (a) Application for release of the vehicle must be in writing addressed to the CEO, and signed by the applicant.
 - (b) The applicant shall have proof of ownership or proof of the applicant's right to the possession of the vehicle, or in the case of the applicant being a person acting on behalf of the owner, shall have furnished proof to the satisfaction of the CEO.
 - (c) The applicant shall have paid all expenses incurred in connection with the removal and detention of the vehicle, and the service or advertisement of any notices.
 - (d) The applicant must sign a receipt of the delivery.
9. If, within one month after the notice is served or advertised, the owner has not claimed the right to the possession of the vehicle, Council may;
 - (a) Advertise in a local paper that Council will offer the vehicle for sale by 'Expression of Interest', with details of the process stated in the advertisement.
 - (b) This Expression of Interest must not be finalised less than 14 days after the advertisement in the paper.
 - (c) Contact the Records Management Department to notify them of the Expression of Interest and who will be 'tasked' with the responses.
 - (d) Prior to advertising determine if any of the vehicles are encumbered by performing a PPSR (Personal Property Security Register) search via the website www.ppsr.gov.au
 - (e) If a security interest is found, contact the holder of the security to advise them of Council's possession of this vehicle and offer them the opportunity to re-claim the vehicle by paying Council's costs.
 - (f) The successful submission of interest will be selected by the Chief Executive Officer, and a letter of notification sent in the mail with suitable instructions for payment.
 - (g) Letters notifying unsuccessful submissions will be sent in the mail.
 - (h) If no offer is received, Council may dispose of the vehicle.
10. The proceeds of the sale or disposal shall apply as follows
 - (a) Pay all expenses of the sale or disposal;
 - (b) Pay the cost of removal and detention and advertisement of any notice served or advertised;

- (c) If there is an amount owing to an entity under a security interest registered for the vehicle under the *Personal Property Securities Act 2009 - the amount owing under the security interest*. Should the proceeds available at this point fail to cover the amount owing and the purchaser intends to re-register the vehicle, arrange to extinguish the security interest with the PPSR.
- (d) Any money remaining shall be given to owner of vehicle, or if the owner cannot be ascertained Council may retain the funds in its general account.
11. Council may deal with any goods, equipment or thing contained in, on or about the vehicle at the time of its removal in the same way it deals with the vehicle. However, any perishable goods may be disposed of.

ATTACHMENTS

1. Abandoned Vehicle sticker
2. Vehicle Impounding Form (double sided document)

DRAFT



Abandoned Vehicle Notice

This vehicle has been declared abandoned under the *Transport Operations (Road Use Management) Act 1995* by the North Burnett Regional Council. If this vehicle has not been removed by 4pm on _____ then your vehicle will be impounded by the Council. Please contact Council's Compliance Department on 1300 696 272 if you require further information.

MJP Pitt
Chief Executive Officer

DRAFT

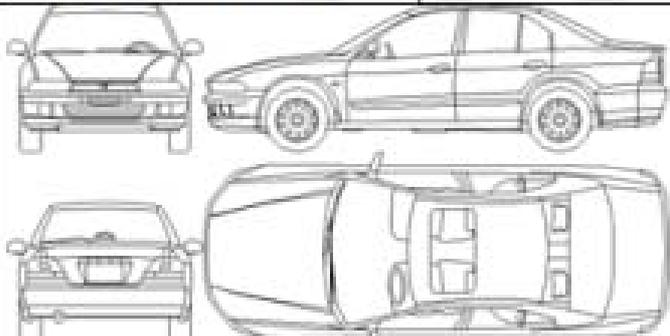
Abandoned Vehicles – Impoundment Form

Consult the 'Abandoned Vehicle Procedure' to complete this process correctly

SECTION 1

Date:		Location:			
Identified by:	Patrol	Police	Complaint	Doc ID# (if relevant):	
Vehicle Details					
Make:		Model:		Type:	Year:
Reg. No.:		Colour:		VIN:	
Police Contact Details:	Officer's Name:				
	Date /Time:		/ /	:	am/pm
Date/Time Sticker Deadline:	/ /	:	am/pm	Photo Taken:	YES NO
Vehicle removed by owner within 48hr time frame?	YES	Go to Section 3 to complete			
	NO	Go to Section 2 to complete impoundment process			

SECTION 2

Officer Impounding Vehicle:		
Photos taken of vehicle at location:	YES	NO
		Vehicle Condition when Towed Symbols to be used: o Dent ■ Scratch × Chip φ Scuff Locked Unlocked Keys: YES NO Odometer: _____ km  Specify any damaged glass: _____ _____
Accessories	Fitted	Remarks
Driving Lights	Yes/ No	
Electronic e.g. GPS, UHF	Yes/ No	
Hub Caps	Yes/ No	
Seat Covers	Yes/ No	
Tools	Yes/ No	
Other:	Yes/ No	

Towing Company:	
Operator's Name:	
Location Towed to:	
Vehicle Contents: <i>to be inventoried by 2 Authorised Officers and photographed</i>	
Glove Box Contents:	
Boot Contents:	
Interior Contents:	
Condition of Upholstery:	
Additional Accessories or Comments:	

SECTION 3	
Last Registered Owner's Name & Address:	
Notification to be sent to above:	<input type="checkbox"/> Vehicle removed by owner within 48hr time frame, send 'Abandoned Vehicle Information Notice' <input type="checkbox"/> Vehicle impounded, send 'Abandoned Vehicle Impoundment Notice' to last registered owner, (to be sent via 'Registered Post') <input type="checkbox"/> Vehicle impounded and notice given by public advertisement in the Central and North Burnett Times etc.
Evidence & Procedure Checklist:	<input type="checkbox"/> Police consulted with <input type="checkbox"/> copy of Qld Police Service 'Vehicle Details' sheet listing the last known registered owner's details obtained <input type="checkbox"/> all photographs time and date stamped, added to 'Photographic Evidence' folder in InfoXpert <input type="checkbox"/> Content's Inventory completed by 2 Authorised Officers <input type="checkbox"/> Registered Post details recorded <input type="checkbox"/> Abandoned Vehicle 'incident' added to Impounded Vehicle's Register <input type="checkbox"/> form submitted to Compliance Administration Assistant
Authorised Officers	Name: Signature:
	Name: Signature:

Date: 03/09/2013:

Responsible Officer: Bob Savage

Report prepared by: Bob Savage

1 PURPOSE OF REPORT

The purpose of this report is to seek Council's direction in relation to a request from an applicant to reconsider the charges advised in their Adopted Infrastructure Charges Notice of 8 August 2013.

2 INTRODUCTION/BACKGROUND

Development Approval 130-13 was issued under delegated authority on 9 August 2013 for Reconfiguring a Lot (1 Lot into 2 Lots) at 132 O'Bil Bil Road, Eidsvold. In conjunction with the approval notice an Adopted Infrastructure Charges Notice was issued for \$6,000, based on \$6,000 per each additional lot. The site is located in the rural zone of the Eidsvold Planning Scheme and it is equidistant from the Eidsvold and Mundubbera PIA's.

3 CORPORATE/OPERATIONAL PLAN

3.5.1 Develop and implement NBRC Planning Scheme and provide effective and efficient planning services.

4 POLICY IMPLICATIONS

Council's Adopted Infrastructure Charges Resolutions were carried on 18 October 2011. The issued Adopted Infrastructure Charges Notice for this development was issued in accordance with the adopted resolution.

5 STATUTORY REQUIREMENTS

Council's Adopted Infrastructure Charges Resolution conforms with State Planning Regulatory Provision (adopted charges) 2011. Under SPA Section 677 – Representations about notice – The person may make representations about the notice to the entity that gave the notice.

6 FINANCIAL IMPLICATIONS

An AICN for this development has been issued for \$6000. Creation of 1 additional rural lot may produce an impact on Council's trunk infrastructure of water, sewerage, transport, stormwater management,

public parks and land for community purposes. Any variation to the amount currently charged will effect the funds available to Council to manage the impact of this development on that trunk infrastructure. Council's adopted charge of \$6000 per additional lot is substantially less than the maximum under the SPRP of \$28,000 per additional lot.

7 RISK MANAGEMENT

On 15 January 2013, Council resolved to withdraw an AICN for \$7500 and issue a new notice for \$1500. This was in relation to a Reconfiguration of one rural lot into two rural lots (698ha and 1049ha). On 6 August 2013, Council resolved not to amend the AICN in relation to reconfiguring 1 lot into 4 lots (2 x 15.2 ha, 1 x 15.6 ha and 1 x 28.6 ha).

8 CONSULTATION

As Council is aware, the State Government has released its Discussion Paper: Infrastructure Planning and Charging Framework Review.

9 OPTIONS FOR COUNCIL TO CONSIDER

Council has the option to retain, reduce or remove the amount currently in the issued AICN.

10 OFFICER'S COMMENTS/CONCLUSION

Council is aware, the purpose of infrastructure charges is to contribute towards the impact that development has on Councils existing trunk infrastructure. All development has an impact on some or all trunk infrastructure in a Priority Infrastructure Area.

In this case a 204.2 ha lot has been approved to be subdivided into 1 x 164.8ha, and 1 x 39.4ha lots. The additional lot will conceivably create growth which may impact on trunk infrastructure in the Eidsvold Priority Infrastructure Area. The reason for this application was that the property cannot be managed as one lot due to it being intersected by the Burnett Highway.

It is recognised that Council has previously indicated that it wishes to review its adopted charges and how they apply to development outside the Priority Infrastructure Areas namely in Rural Residential and Rural Zones. No action has been taken on this review in recognition of the impending State Government Review mentioned above. A copy of the Assessment Report for the application is attached.

11 ATTACHMENTS

1. Adopted Infrastructure Charges Notice dated 8 August 2013
2. Assessment Report
3. Request for review of Adopted Infrastructure Charges.

12 RECOMMENDATION

It is recommend that Council resolve not to amend the charge contained in Adopted Infrastructure Charges Notice dated 8 August 2013 to GT Fort and BM Croner.



Mailing Address: PO Box 390, Gayndah Qld 4625
Street Address: 34-36 Capper Street, Gayndah Qld 4625
Telephone: 1300 696 272
Facsimile: (07) 4161 1425
Email: admin@northburnett.qld.gov.au
Web: northburnett.qld.gov.au
ABN: 23 439 388 197

Adopted Infrastructure Charges Notice

*Sustainable Planning Act 2009 and Local Government Act 2009
Eidsvold Shire Planning Scheme 2006*

TO

Applicant:	G T Fort and B M Croner C/- JB Serisier Surveyors	File Number:	130-13
Address:	58 Lyons Street MUNDUBBERA QLD 4626	Date of Issue:	8 August 2013

LAND TO WHICH THE INFRASTRUCTURE CHARGE APPLIES

RPD: Lot 49 on YL151
Site Address: 132 O'Bill Bil Road, Eidsvold 4626

DEVELOPMENT TO WHICH THE ADOPTED INFRASTRUCTURE CHARGE APPLIES

The adopted infrastructure charge applies to the following development:

Reconfiguring a lot (1 Lot into 2 Lots)

AMOUNT OF THE ADOPTED INFRASTRUCTURE CHARGE

The adopted infrastructure charge has been calculated in accordance with the Adopted Infrastructure Charges Resolution – Eidsvold Shire 18 October 2011.

One (1) additional allotment (i.e. two allotments less a credit for one existing allotment) at the adopted infrastructure charge of \$6,000.00 per lot	Total charge:	\$6,000.00
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ADJUSTMENTS TO THE CHARGE

The charge rates included in this notice are valid until Council makes a new Adopted Infrastructure Charges Resolution to adjust the charges for cost price indexing. Please contact the Development and Environment Department prior to payment for a review or reissue of this notice if applicable.

DUE DATE FOR PAYMENT

As per the *Sustainable Planning Act 2009*—

- (a) s648H—“if the charge applies to reconfiguring a lot that is assessable development or development requiring compliance assessment—before the local government approves the plan of subdivision for the reconfiguration;”

PAYMENT DETAILS

Charges are payable to **North Burnett Regional Council**.

Payment can be made:

- in person at any of Council’s offices;
- by mail with your cheque or money order to **North Burnett Regional Council, PO Box 390, Gayndah Qld 4625**; [Cheques must be made payable to North Burnett Regional Council and marked ‘Not Negotiable’. Acceptance of a cheque is subject to collection of the proceeds. Post-dated cheques will not be accepted.]
- by credit card;
- by direct debit.

GOODS AND SERVICES TAX

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

FAILURE TO PAY CHARGE

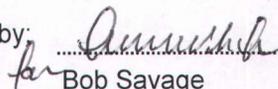
An adopted infrastructure charge levied by a local government is, for the purposes of recovery, taken to be a rate within the meaning of the *Local Government Act 2009*. Compound annual interest at 11% calculated daily is to be applied to an overdue charge.

This notice will lapse if the development approval stops having effect.

APPEAL RIGHTS

Attached is an extract from the *Sustainable Planning Act 2009* which details the appeal rights in relation to this notice (sections 478, 535 and 675 to 680).

Authorised by:



for Bob Savage

Director Development and Environment
for M Pitt, Chief Executive Officer

Extracts from the *Sustainable Planning Act 2009*

478 Appeals about particular charges for infrastructure

- (1) This section applies to a person who has been given, and is dissatisfied with—
 - (a) an infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice; or
 - (b) a negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, negotiated adopted infrastructure charges notice or negotiated regulated State infrastructure charges notice.
- (2) The person may appeal to the court against the notice.
- (3) An appeal against a notice mentioned in subsection (1) must be started within 20 business days after the day the notice is given to the person.
- (4) An appeal under this section may only be about—
 - (a) whether a charge in the notice is so unreasonable that no reasonable relevant local government, State infrastructure provider or coordinating agency could have imposed it; or
 - (b) an error in the calculation of the charge.
- (5) To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish an adopted infrastructure charge or the charge in a relevant infrastructure charges schedule, regulated infrastructure charges schedule or regulated State infrastructure charges schedule.

535 Appeals about charges for infrastructure

- (1) This section applies to a person who—
 - (a) has been given—
 - (i) an infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice; or
 - (ii) a negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, negotiated adopted infrastructure charges notice or negotiated regulated State infrastructure charges notice; and
 - (b) is dissatisfied with the calculation of a charge in the notice.
- (2) The person may appeal to a building and development committee about an error in the calculation of the charge.
- (3) An appeal about a notice mentioned in subsection (1)(a) must be started within 20 business days after the day the notice is given to the person.
- (4) To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish an adopted infrastructure charge or the charge in a relevant infrastructure charges schedule, regulated infrastructure charges schedule or regulated State infrastructure charges schedule.

675 Definition for pt 4

In this part—

relevant appeal period, for a person who has been given an infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice, means the period within which the person may appeal against the notice to the court or a building and development committee under section 478 or 535.

676 Application of pt 4

This part applies to a person who has been given an infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice only during the person's relevant appeal period.

677 Representations about notice

The person may make representations about the notice to the entity that gave the notice.

678 Consideration of representations

The entity that gave the infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice must consider any representations made to the entity under section 677.

679 Decision about representations

- (1) If the entity agrees with any of the representations, the entity must give to the person—
 - (a) for representations about an infrastructure charges notice—a new infrastructure charges notice (the *negotiated infrastructure charges notice*); or
 - (b) for representations about a regulated infrastructure charges notice—a new regulated infrastructure charges notice (the *negotiated regulated infrastructure charges notice*); or
 - (c) for representations about an adopted infrastructure charges notice—a new adopted infrastructure charges notice (the *negotiated adopted infrastructure charges notice*); or
 - (d) for representations about a regulated State infrastructure charges notice—a new regulated State infrastructure charges notice (the *negotiated regulated State infrastructure charges notice*).
- (2) The entity may give only 1 negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, negotiated adopted infrastructure charges notice or negotiated regulated State infrastructure charges notice.
- (3) The negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, negotiated adopted infrastructure charges notice or negotiated regulated State infrastructure charges notice—
 - (a) must be given within 5 business days after the day the entity agrees with the representations; and
 - (b) must be in the same form as the notice previously given; and
 - (c) must state the nature of the changes; and
 - (d) replaces the notice previously given.
- (4) If the entity does not agree with any of the representations, the entity must, within 5 business days after the day the entity decides not to agree with any of the representations, give a written notice to the person stating the decision about the representations.

680 Suspension of relevant appeal period

- (1) If the person given the infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice needs more time to make the written representations, the person may, by written notice given to the entity that gave the notice, suspend the person's relevant appeal period.
- (2) The person may act under subsection (1) only once.
- (3) If the written representations are not made within 20 business days after the day written notice was given to the entity, the balance of the person's relevant appeal period restarts.
- (4) If the written representations are made within 20 business days after the day written notice was given to the entity—

- (a) if the person gives the entity a notice withdrawing the notice under subsection (1)—the balance of the person’s relevant appeal period restarts the day after the entity receives the notice of withdrawal; or
- (b) if the entity gives the person a notice under section 679(4)—the balance of the person’s relevant appeal period restarts the day after the person receives the notice; or
- (c) if the entity gives the person a negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, negotiated adopted infrastructure charges notice or negotiated regulated State infrastructure charges notice (the *negotiated notice*)—the person’s relevant appeal period starts again the day after the person receives the negotiated notice.

16th August 2013

Mayor
Don Waugh
North Burnett Regional Council
PO Box 390
GAYNDAH QLD 4625

Dear Sir

We are writing to express our disappointment and confusion as to why the North Burnett Regional Council are charging us \$6000 for an Infrastructure Charge for the subdivision of a rural Lot (Lot 49 on Plan YL151).

This Lot is approx 18km's from Eidsvold and 17km's from Mundubbera on the Burnett Highway (which is under Main Roads jurisdiction not North Burnett Regional Council) and in our opinion does not receive any Infrastructure benefits that those lots would in a residential area for which this fee applies.

The proposal to subdivide began on 17th June 2013 with our \$2000 application fee and there was no mention by any party prior to or during this process that this \$6000 charge would be applied. A fee that is charging for services such as Sewerage, Water, Power, Parks and Gardens and Roads, all of which are not provided to this Lot by the North Burnett Regional Council.

How can the North Burnett Regional Council charge us for something we are not getting?

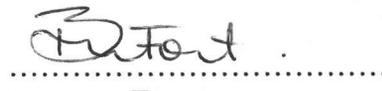
We ask that you reconsider the Infrastructure Charge for this sub-division.

Hoping for a favourable reply at your earliest convenience.

Yours faithfully,



Geoff Fort



Bronwen Fort

GT & BM Fort
PO Box 75
Eidsvold Qld 4627
Ph - 4165 1322

RECEIVED (Records)	
File No:	6-09
21 AUG 2013	
To:	D.I.R. D.E.V. / MAYOR / CEO
Doc ID:	
Retention Ref:	20165
COPY TO IOAS	

Development Application—decision under Delegated Authority

Reconfiguring a Lot – Subdivision (1 Lots into 2 Lots) at 132 O’Bil Bil Road, Eidsvold on land described as Lot 49 on YL151

DA Ref: 130-13

Proposal summary

1. The applicant seeks a development permit for Reconfiguring a Lot — Subdivision 1 Lot into 2 Lots at 132 O’Bil Bil Road, Eidsvold (described as Lot 49 on YL151).
2. The proposed subdivision would create two separate lots, being proposed Lot 3 with an area of 164.8ha and proposed Lot 4 with an area of 38.4ha. The proposed lots follow the boundaries of the portions of Lot 49 on YL151 that are severed by the Burnett Highway.
3. The site is currently used for cattle grazing.

Assessment summary

1. The site is located in the Rural Zone of the Eidsvold Shire Planning Scheme (the “planning scheme”) and the proposed subdivision is Code Assessable against the Reconfiguring a Lot Code.
2. The subject site has existing access from the Burnett Highway and O’Bil Bil Road.
3. No vegetation clearing is required as the new lots are proposed along existing fence lines, created by the severance of Burnett Highway.
4. The proposal does not comply with the minimum area (200ha) requirements of the Reconfiguration of Lot Code for the Rural Zone, and therefore requires a performance-based assessment against the planning scheme.
5. Overall outcome (2) in section 5.2 of the Reconfiguring a Lot Code of the planning scheme states—

“Reconfiguring a lot” protects:

- a. *“GQAL from fragmentation, alienation or encroachment of incompatible land “uses” in accordance with State Planning Policy 19/2 – Development and Conservation of Agricultural Land”.*

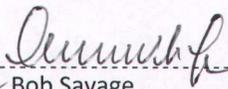
6. The proposal would not compromise the productivity of the site for cropping or grazing due to the site already being severed into two portions by the Burnett Highway along the proposed new boundaries.
7. Rural Zone Outcome (2) in section 4.1.3.3 of the planning scheme states—
 - b. *“The Rural “Zone” retains viability as an area of primary production”*
8. It is reasonable to assume that the proposed lots could be sustainably used for cropping or animal production on a small scale, e.g. specialised or hobby farming.
9. The proposal does not compromise the intent of the Rural Zone, or the Overall Outcomes or Desired Environmental Outcomes of the planning scheme.
10. A small portion of the site is included within the State government Strategic Cropping Land mapping, however, because the proposed lot sizes are above 15ha, the application does not require referral to DEHP.
11. The proposal required referral assessment by the Department of Transport and Main Roads (DTMR) due to the Burnett Highway running through the site. DTMR provided conditions that must attach to any approval that require access only from O’Bil Bil Road and an unformed road on the western side of the property.
12. Overall, the proposal, although resulting in lot sizes smaller than those prescribed in the planning scheme, is suitable given the site is already severed by the Burnett Highway and each portion would inherently need to be operated independently due to the severance.

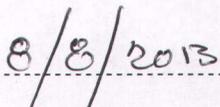
Recommendation—

1. That the Council or its delegate decide the application under s324 of the *Sustainable Planning Act 2009* by approving all of it subject to conditions.
2. That the Council notify the applicant of its decision.

Decision

I concur with the recommendation—please issue the Decision Notice as recommended above

for 
 Bob Savage


 Date

DIRECTOR DEVELOPMENT & ENVIRONMENT

on behalf of MJP Pitt
Chief Executive Officer

Responsible Officer: *Bob Savage – Director of Development & Environment*

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

3 September, 2013 – 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 - JULY 2013						TOTAL
	Biggenden	Eidsvold	Gayndah	Monto	Mundubbera	Perry	
PLANNING							
* MCU	1	1				1	3
* ROL				1			1
* Other	1				1		2
Sub - Total Planning	2	1	0	1	1	1	6
BUILDING							
* Domestic (Dwg/Shed/pools etc)	2		4	4	2	1	13
\$ value of work	\$ 926,172						\$926,172
* Commercial/Industrial	2	1	1	1	1		6
\$ value of work	\$463,915						\$463,915
Sub - Total Building	4	1	5	5	3	1	19
PLUMBING							
* Domestic (Dwg/Shed)		1		2			3
* Commercial/Industrial							0
Sub - Total Plumbing	0	1	0	2	0	0	3
TOTAL	6	3	5	8	4	2	28

MONTHLY COMPARISON

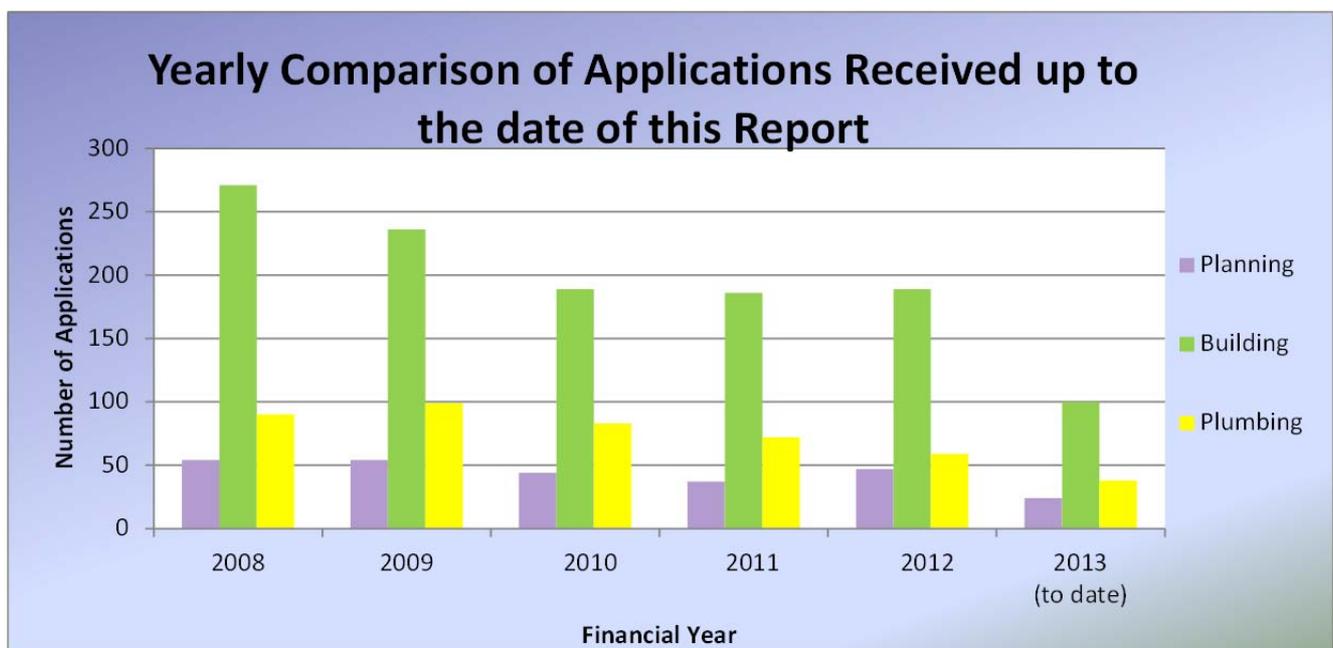
TYPE OF APPLICATION	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Total (13 Months)
Planning	4	9	2	2	4	2	2	3	2	4	2	5	6	47
Building	14	22	16	21	17	8	10	18	17	7	12	17	19	198
Plumbing	11	3	3	6	1	7	3	13	0	5	3	11	3	69
TOTAL	29	34	21	29	22	17	15	34	19	16	17	33	28	314

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

TYPE OF APPLICATION	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13
Planning					1							
Building												
Plumbing												
TOTAL	0	0	0	0	1	0						

Yearly Comparison - Number of Applications Received

TYPE OF APPLICATION	2008	2009	2010	2011	2012	2013 (to date)	PROJECTED TOTAL 2013	PROJECTED % INCREASE/DECREASE FROM PREVIOUS CALENDAR YEAR
Planning	54	54	44	37	47	24	41	-15%
Building	271	236	189	186	189	100	171	-11%
Plumbing	90	99	83	72	59	38	65	10%
TOTAL	415	389	316	295	295	162	277	Average -5%



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 July.
North Burnett Regional Council Approvals Report

Application Number	Property Address	Description	Assessment Number	Value
0132/13	ROTHS ROAD, MOONFORD QLD 4630	PLUMBING - Dwelling	41375-10000-000	0
0133/13	992 DEEP CREEK ROAD, DEGILBO QLD 4621	BUILDING - Dwelling	10640-00000-000	238316
0134/13	23 LEICHHARDT STREET, MUNDUBBERA QLD 4626	BUILDING - Restump & Raise Dwelling	60193-00000-000	40000
0135/13	CAROLINE STREET, BIGGENDEN QLD 4621	BUILDING - Kindergaten Extension	10224-00000-000	168000
0136/13	1 BROMELTON STREET, DEGILBO QLD 4621	PLANNING - Operation Works - Dam	10452-30000-000	0
0137/13	TRUE BLUE ROAD, CANIA QLD 4630	PLUMBING - Camp Kitchen	41100-25000-000	0
0138/13	FERRIS ROAD, CORINGA QLD 4621	PLANNING - Material Change of Use - Quarry	10817-00000-000	0
0139/13	144 DOWNIES ROAD, THREE MOON QLD 4630	BUILDING - Garage	40905-10000-000	55000
0140/13	49 HEUSMAN STREET, MOUNT PERRY QLD 4671	PLANNING - Material Change of Use	50032-00000-000	0
0141/13	DOWNIES ROAD, THREE MOON QLD 4630	BUILDING - Reclassification Dwelling 1a to a 10a Farm Shed	40905-10000-000	0
0142/13	BRANCH CREEK ROAD, GAYNDAH QLD 4625	BUILDING - Reclassification of Class 10a to Class 8 Sawmill	30910-50000-000	0
0143/13	44 WALSH STREET, BIGGENDEN QLD 4621	BUILDING - Motel Office	10276-00000-000	20000
0144/13	21 RUTHERFORD STREET, MONTO QLD 4630	BUILDING - Carport	40399-00000-000	3300
0145/13	8 LYONS STREET, MUNDUBBERA QLD 4626	BUILDING - Demolition of shop	60027-00000-000	0
0146/13	37 BOYD ROAD, GAYNDAH QLD 4625	BUILDING - Shed	30566-51700-000	16560
0147/13	8 WALKER STREET, GAYNDAH QLD 4625	BUILDING - Shed	30594-00000-000	6500
0148/13	ROTHS ROAD, MOONFORD QLD 4630	BUILDING - New Dwelling	41375-10000-000	305454
0149/13	27 MOUNT ROSE STREET, EIDSVOLD QLD 4627	PLUMBING - Shed	20258-00000-000	0
0150/13	5936 GLENCOE ROAD, RAWBELLE QLD 4630	PLANNING - ROL (1 into 2 Lots)	41875-10000-000	0
0151/13	27 MOUNT ROSE STREET, EIDSVOLD QLD 4627	BUILDING - SES Shed	20258-00000-000	102368
0152/13	35 DICKSON STREET, MOUNT PERRY QLD 4671	BUILDING - Removal Dwelling	50296-00000-000	14400

Application Number	Property Address	Description	Assessment Number	Value
0153/13	TRUE BLUE ROAD, CANIA QLD 4630	BUILDING - Commerical Kitchen and Storage Building	41100-25000-000	173547
0154/13	26 MIDDLE BOYNE ROAD, MUNDUBBERA QLD 4626	BUILDING - Special Structures	60492-00000-000	0
0155/13	22 BAMBOO STREET, GAYNDAH QLD 4625	BUILDING - Garage and patio	30493-00000-000	10850
0103B/12	20 KIMBER STREET, BIGGENDEN QLD 4621	BUILDING - Dwelling	10351-50000-000	199712
0156/13	23 LEICHHARDT STREET, MUNDUBBERA QLD 4626	PLANNING - "Building Work" where not associated with a "Material Change of Use" - Raise and Restump Dwelling	60193-00000-000	0
0157/13	27 MOUNT ROSE STREET, EIDSVOLD QLD 4627	PLANNING - Material Change of Use - SES Facilities	20258-00000-000	0
0158/13	BURNETT TERRACE, GAYNDAH QLD 4625	BUILDING - Restumping	30007-00000-000	36080
			TOTAL	\$1,390,087