



**SOUTHERN DOWNS
REGIONAL COUNCIL
ORDINARY COUNCIL MEETING**

LATE AGENDA ITEMS
Wednesday, 22 November 2023

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11. CUSTOMER AND ORGANISATIONAL SERVICES REPORTS

11.13 Killarney Recreational Hub - Request for Community Loan Restructure

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 22 November 2023
	Chief Financial Officer	ECM Function No/s:

Recommendation

THAT Council:

1. Approve in principle the restructure of the current working capital loan provided to the Killarney Recreational Club Inc. with an outstanding balance of \$64,827 (which includes the original loan amount and interest), subject to Council staff receiving all required information;
2. Set the loan term to be 10 years or earlier as negotiated with the Club with no further interest being charged on the balance outstanding (\$64,827); and
3. Authorise the Chief Executive Officer or delegate to finalise negotiations with the Killarney Recreational Club Inc. and sign relevant Community Loan Agreement documentation.

REPORT

Background

The Killarney Recreational Club Inc. (The Club) has a current capital assistance loan with Council which was provided for the construction of the clubhouse. The most recent loan dates back to June 2012 which is as follows:

Amount of Loan (Principal): \$104,000
Term of Loan: 15 years
Total Charge: \$31,200

The Club has since repaid \$70,373 with the last payment (\$2,253) received on 28th October 2020.

Overdue payments: \$28,773
Total Balance Outstanding: \$64,827 (includes principal and charges)

Since then Council staff have sent out invoices, reminders and correspondences in order to recoup the amounts outstanding.

Report

Council staff have been recently liaising and met with representatives from the Club to explore options available that could assist with dealing with the issue of repayments associated with the

capital assistance loan that is currently outstanding. The representatives of the Club would like to work collaboratively with Council and other community organisations to ensure that it continues to operate and provide a hub for recreation.

The Club is currently going through transformation and reassessing its future plan which includes opportunities which could increase revenue generation and assist in dealing with legacy issues. As a result, they have requested to renegotiate terms with Council and explore options that could assist with the repayment of the outstanding loan.

Pursuant to sections 60A and 61A of the *Statutory Bodies Financial Arrangements Act 1982*, Council has been granted a general approval to provide loans to community organisations within their local government boundary, subject to the following conditions:

- provided that the loan is less than \$120K
- has a term less than 10 years
- the total value of outstanding loans provided by Council does not exceed \$2M

The Club has requested an extension of time without any additional interest charged on the outstanding balance. As this is an existing loan which has an outstanding amount of less than \$120k Council does not require the Treasurer's approval in this case.

If Council was to approve this request for extension it would be recommended that Council restructure the loan as per follows:

- i. the principal amount and interest outstanding (\$64,827) be paid over 10 years or earlier as negotiated with no further interest charged;
- ii. Council enter into an agreement with revised terms overriding the previous agreement with the Club;

Council staff will require additional information from the club which would assist in assessing their position to ensure that they would be able to continue to service this debt going forward. This will include:

- A written correspondence requesting the restructure of the loan signed by the executive members;
- Copy of the meeting minutes authorising the correspondence;
- Most recent audited financial statements

The Club has also requested assistance on the following:

- Understanding of Water Charges
- Insurance
- Funding opportunities (Internal or External)

Council staff will continue to assist the Club and community members in line with Council's policies and procedure.

Conclusion

Having considered the current situation, amount paid and balance currently outstanding it is recommended that Council approve the restructure of the previous capital assistance loan amount

outstanding which includes interest (\$64,827). This will be subject to Council staff receiving a formal request for restructure, relevant paperwork as required and acceptance of revised terms as per a new agreement.

FINANCIAL IMPLICATIONS

Council is already exposed to a debt of \$64,827 and restructuring the loan will assist in the recovery of the amount outstanding as this will reduce the quarterly repayment amounts.

RISK AND OPPORTUNITY

Risk

Council is exposed to financial risk associated with the working capital loan and could suffer reputation damage and financial loss by not supporting the loan restructure.

Opportunity

Supporting local clubs and community groups builds trust and generates confidence which helps the domestic economy resulting in community benefits.

COMMUNITY ENGAGEMENT

Internal Consultation

Executive Leadership and Councilors during budget information sessions.

External Consultation

Department of State Development, Infrastructure, Local Government and Planning

LEGAL / POLICY

Legislation / Local Law

Statutory Bodies Financial Arrangements Act 1982, Local Government Act 2009 and Local Government Regulation 2012

Corporate Plan

Theme: Performance

Focus Area: Financial Sustainability

Deliverable: 47. Review and maintain strategies to ensure Council's long-term financial sustainability and continuous improvement through embracing innovation.

Policy / Strategy

2021 – 2026 SDRC Corporate Plan


Shaping Southern Downs

ATTACHMENTS

Nil

11.14 Swimming Clubs Fees and Charges

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 22 November 2023
	Manager Community Services	ECM Function No/s:

Recommendation

THAT Council:

1. Approve the inclusion of the following 2023/24 fees and charges:
 - a) Stanthorpe Pool (facility hire agreement in place and swimming club provides lifeguards)
 - i) Club Hire Night - \$132 inc. GST (two (2) hours or by negotiation)
 - ii) Club Carnivals - \$650 inc. GST (All day and exclusive use)
 - b) Warwick Indoor Recreation and Aquatic Centre (WIRAC) (facility hire agreement in place and lifeguards provided by WIRAC)
 - i) Club Hire Night - \$160 inc. GST (six (6) lanes, two (2) hours or by negotiation)
 - ii) Club Carnivals - \$930 inc. GST (All day and exclusive use).
2. Endorse the approach taken by YMCA Queensland to require all requests for exclusive pool hire at both the Stanthorpe and WIRAC facilities to have a Facility Hire Agreement in place with the YMCA.

REPORT

Background

Each year, Council approves the various fees and charges relevant to the pools that are Council owned. These pools include locations at Allora, Killarney, Stanthorpe and WIRAC.

Since 2015, WIRAC has been operated by the Brisbane YMCA, now known as YMCA Queensland, with the Stanthorpe Pool also coming under the YMCA banner for operations in 2023. Despite both of these sites being operated by the YMCA, the fees and charges that are applied at both of these centres must still be approved by the Council.

Report

It has been identified that the 2023/24 Schedule of Fees and Charges do not include fees that cover the use pools at Stanthorpe and WIRAC by the local swimming clubs, unlike the Allora and Killarney pools which are included. For the Allora and Killarney pools, club night hire is set at \$56 for a maximum of three (3) hours.

When comparing this to the Stanthorpe Pool the YMCA has included a fee for school carnivals, which provides exclusive use of the pool for up to seven (7) hours. This fee is set at \$500.

There are 6 lanes at the Stanthorpe pool and 8 lanes at WIRAC.

With WIRAC, the YMCA currently has lanes that can be hired hourly at \$28.70. For school carnivals, this fee is set at \$370 for up to four (4) hours.

While Allora and Killarney Pools have a fee included for club nights, it is noted that this rate is low and generally because the Council picks up the cost of the operational costs, paying for the operator and allowing the lower hire amount to be kept by the lessee to cover a lower cost base.

With the engagement with the YMCA Queensland at both Stanthorpe and WIRAC, this engagement model is different whereby the Council pays the YMCA a contract amount, however, the YMCA is responsible for all operational costs. A higher cost base requires greater revenue to cover this.

Proposed Fees and Charges Inclusion

Stanthorpe Pool

The Stanthorpe Pool is the only fifty (50) metre pool in the Council area, however, due to its proximity and being outdoors, only operates during the warmer months, being open for a six (6) month period.

Over the past couple of months, the YMCA has worked closely with the Stanthorpe Swimming Club to reach an agreement on an acceptable charge for club nights. On 7 September 2023, there was an agreement between both parties that for the current financial year, the club would pay \$132 for exclusive use of the site for club nights (with the club providing their own lifeguards and locking up); and \$650 for carnivals.

As part of this arrangement, the YMCA has a Facility Hire Agreement (FHA) in place with the swim club, which allows a clear understanding for both around roles and responsibilities. This includes an understanding of such items as Swim Club Insurance, Qualifications, Blue Cards, Child Protection Policies, etc, which the YMCA has in place to ensure it meets minimum requirements when hiring a facility to a third party.

WIRAC

With respect to WIRAC, the YMCA acknowledge that for the past two (2) years, the Warwick Swimming Club has been charged a rate of \$101 for the hire of five (5) lanes, with an additional fee applied for the extra lane hire at the standard rate of \$27 per hour.

On 6 November 2023, the YMCA wrote to the Warwick Swimming Club to inform them of the proposed price rise for lane hire as it hadn't changed for the previous two (2) years. In that communication with the Warwick Swimming Club, the YMCA indicated that they were looking to increase club hire nights to \$160; and \$930 per carnival. The main point of difference for WIRAC is that the pool is available all year round and is indoors.

Discussions with the YMCA have identified that despite their efforts to directly engage with the Warwick Swimming Club, there often appears to be a reluctance from the club to proactively engage, with more often than not the YMCA's efforts to engage going un-responded. This has caused a level of frustration with the YMCA, which are keen to engage and establish a similar agreement (FHA) that is in place at Stanthorpe.

Conclusion/Summary

The YMCA operates both the Stanthorpe Pool and WIRAC. Whilst under contract the YMCA may set fees and charges, these fees and charges must also be approved by the Council prior to their implementation.

When comparing both pools being operated by the YMCA, they are very different to those of Allora and Killarney in that Stanthorpe pool is the only fifty (50) metre pool and WIRAC is the only indoor, all-season pool.

When comparing the current and proposed charges, they have been tabulated below to assist with comparisons.

Pool	Asset	Item	Current Charge	Negotiated Charge (not currently in Fees and Charges)	Conditions
Allora	25m Outdoor	Club Night Hire	\$56		Max 3 hours
		School ½ Day	\$234		
		School Full day	\$334		
Killarney	25m Outdoor	Club Night Hire	\$56		Max 3 hours
		School ½ Day	\$234		
		School Full day	\$334		
Stanthorpe	50m outdoor	Pool Hire	\$28.50		1 lane per hour
		School Carnival	\$500		Exclusive use - up to 7 hours
		Club Hire Night		\$132	Club provides own lifeguards Exclusive use for up to 2 hours/or by negotiation FHA in place
		Club Carnival		\$650	Club provides own lifeguards Exclusive use all day FHA in place
WIRAC	25m Indoor	School Carnival	\$370		Exclusive Use - Up to 4 hours
		School Carnival	\$560		Exclusive Use - Up to 7 hours
		Club Hire Night		\$160	YMCA provide lifeguards 6 lanes for up to 2 hours/or by negotiation
		Club Carnival		\$930	YMCA provides lifeguards All day, exclusive use.

FINANCIAL IMPLICATIONS

Stanthorpe and WIRAC are operated by a third party who is responsible for the operational costs for operating both locations. The YMCA sets its fees in line with market rates to ensure that it can

continue to compete and deliver the services that the community expect from these centres in the most cost-effective way possible.

RISK AND OPPORTUNITY

Risk

Additional costs are borne by the broader rate payer as the contract seeks to cover its increased operational expenditure against a reduced revenue from the Council.

Opportunity

Improved service delivery through an appropriate cost recovery model that follows the user pay arrangement.

COMMUNITY ENGAGEMENT

Internal Consultation

Councillor Information Session and letters to Councillors from the Swimming Clubs

External Consultation

The YMCA with both clubs.

LEGAL / POLICY

Legislation / Local Law

Contract engagement with the YMCA for both Stanthorpe Pool and WIRAC.

Corporate Plan

Theme: Prosperity

Focus Area: Communications and Development Infrastructure

Deliverable: 29. Continue to provide quality core services/functions to the community in the following areas, whilst ensuring that Council's legislative obligations are met:

- Pools

Policy / Strategy

Nil


ATTACHMENTS

Nil

13. PLANNING AND ENVIRONMENTAL SERVICES REPORTS

13.10 Material Change of Use – Consideration of Change Representations – Belinda J Hohenhaus and Jamie S Charles C/-Precinct Urban Planning, 29 Homestead Road, Rosenthal Heights

Document Information

	Report To: Ordinary Council Meeting	
	Reporting Officer:	Meeting Date: 22 November 2023
	Manager Planning and Development	ECM Function No/s: MCU\02437

APPLICANT:	Belinda J Hohenhaus and Jamie S Charles C/-Precinct Urban Planning
OWNER:	Jamie S Charles & Belinda J Hohenhaus
ADDRESS:	29 Homestead Road, Rosenthal Heights
RPD:	Lot 3 RP184516
ZONE:	Low density residential
PROPOSAL:	Warehouse (Two (2) sheds
LEVEL OF ASSESSMENT:	Impact
SUBMITTERS:	Four (4)
REFERRALS:	Not applicable
FILE NUMBER:	MCU\02437

RECOMMENDATION SUMMARY

THAT Council agree in part with the change representations made in relation to the application for a Material Change of use to establish a Warehouse (Two (2) Sheds) on land at 29 Homestead Road, Rosenthal Heights, described as Lot 3 RP184516.

REPORT

At the Ordinary Council Meeting held on 23 August 2023, Council resolved to approve, subject to conditions, a Material Change of use to establish a Warehouse (Two (2) Sheds) on land at 29 Homestead Road, Rosenthal Heights, described as Lot 3 RP184516.

The subject site has frontage to Homestead Road along the eastern boundary of the site. The development application seeks to formalise an existing unlawful use of two sheds located along the Homestead Road frontage of the property for Warehouse purposes.

The subject site is located in the Low density residential zone and is surrounded by similarly zoned properties. Land to the south and south-west contains established residential developments, generally 1,500 square metres to 2,000 square metres in size. Land to the north, west and east contains larger residential zoned lots generally containing single dwelling houses. An existing Child care centre has been developed to the north of the site at the intersection of Bracker Road and Homestead Road. The site and immediate surrounding uses are shown in Figure 1.



Figure 1: Subject land

In the broader locality, the site is located approximately 3.0 kilometres south of the Warwick Central Business District.

The site is located in a residential locality and is serviced by Council's reticulated water network. The site is not currently serviced by the reticulated sewerage network.

The proposed development is for the formalisation of an unlawful use. The two sheds have been constructed and are currently being used for Warehouse purposes. The purpose of the Warehouse is to store surplus furniture stock that is unable to be stored at the applicant's furniture business, operated from Palmerin Street, Warwick.

Each of the proposed sheds has a gross floor area of 188.05 square metres and they are located approximately 6.0 metres from the road frontage. A concrete apron has been constructed in front of the sheds and extends to the road reserve. The sheds are constructed of metal wall cladding and include two rollers doors, per shed, fronting the road frontage, with personal access doors located at the rear of each shed.

The application states that the applicant resides in the existing dwelling on site and travels to their business at Palmerin Street in a Small Rigid Vehicle (SRV). Trips from the site are stated to be limited to standard daily workplace trips. One delivery truck will attend the site each week to deliver stock. No customers will attend the site. Operating hours, including loading and unloading, are limited to 7:00am to 5:00pm.



Figure 2: Proposed Layout Plan

Submissions to the original application

There were Four (4) submissions received in response to the original application. Two (2) of the submissions received were in support of the development application and two (2) were objections.

The matters raised in the two objections are outlined below, with planning responses provided:

Matters raised in submissions	Response
<p>Pedestrian Safety</p> <p>“This is a residential area...someone walking down the road is going to get injured because when they load trucks the pedestrians must walk on Homestead Road...”</p>	<p>There are no footpaths constructed to the south of the site along Homestead Road. An existing footpath has been constructed north of the site between Bracker Road and Tanna Drive.</p> <p>The scale of the use, as outlined in the application documents, is not considered sufficient for construction of a footpath to be a reasonable requirement. Conditions can be applied to limit the scale of the activity.</p>

Matters raised in submissions	Response
<p>Standard of Homestead Road “must widen Homestead Road to proper 2 lanes and provide concrete or level maintained foot path on the opposite side of the road” “road is not designed for large vehicles”</p>	<p>Immediately to the south of the site, Homestead Road is constructed to an 8.0 metre width, with kerb and channel. Conditions can be applied to widen Homestead Road along the frontage of the site to match the adjoining standard.</p>
<p>Drainage issues “The existing...sheds have messed up drainage in the area”</p>	<p>The applicant states that four (4) water tanks are provided to capture roofwater from the existing sheds. The scale of the sheds is not considered to adversely impact the natural flow paths across the site. As noted above, conditions will be applied requiring the extension of the kerb and channel network along the frontage of the site.</p>
<p>Use “Two warehouse sheds do not cater directly to the day to day needs of the local residents or surrounding community”</p>	<p>It is acknowledged that the proposed development is for an inconsistent use in the zone. The Planning Scheme does not regulate the size of domestic sheds permitted to be constructed on land in the Low density residential zone, therefore the scale of the sheds is able to be considered consistent with residential neighbourhoods. Further, the proposal incorporates design elements that are consistent with surrounding residential development. The use is proposed to store surplus stock to support an existing business and is not considered to undermine the viability of the Principal centre zone. It is considered that the proposed use can reasonably be conditioned to mitigate any potential impacts.</p>
<p>Landscaping and Aesthetics “screening plants will not be visible due to the construction of a colorbond fence”</p>	<p>The Planning Scheme does not regulate the size of domestic sheds permitted to be constructed on land in the Low density residential zone, therefore assessment can only consider the use of the sheds rather than the scale of the buildings. A landholder is entitled to fence their property as they see fit. It is considered that suitable landscaping conditions can be applied in relation to landscape screening of the activity irrespective of the fencing constructed.</p>
<p>Planning Scheme regulation “Council consider putting rules in place to prevent owners from building sheds of this size in the manner in which the applicant has done”</p>	<p>The submitters concerns are noted.</p>

In accordance with Section 76(1) of the *Planning Act 2016*, Council must consider the submissions, to the extent of relevance to the change representations.

A number of the matters raised relate to the provision of kerb and channel along Homestead Road, pedestrian safety, drainage issued, and the aesthetics of the property. To address the concerns raised by the submitters, and to ensure compliance with the planning scheme, conditions were imposed, including Condition 25.

The applicant, landowners and Council officers held a meeting on 19 September 2023 in relation to potential change representations in relation to the decision notice and the infrastructure charges notice.

Representations

The applicant has made change representation, requesting consideration of Condition 25 and a review of the Infrastructure Charges Notice.

Condition 25 states:

25. *Homestead Road shall be upgraded from the southern boundary of the site for the full frontage of the proposed development footprint.*

The upgrade shall include construction of the half road on the eastern side of Homestead Road centreline to Council's standard. This will provide a 4.0 metre sealed width from the road centreline and kerb and channel to match the existing alignment located at the corner of Homestead Road and Bracker Road.

The applicant is seeking to delete or modify the condition, to allow for an infrastructure agreement to be entered in to.

The following justification has been provided by the applicant:

The development approval issued authorises the use of two (2) out of three (3) shed for the purposes of a "warehouse" for overflow or surplus furniture storage. The third shed is used for domestic purposes only and does not form part of the development approval. The frontage of that part of the site occupied by the two (2) storage sheds used for "warehouse" purposes measures approximately 25.0m. The distance from the northern extent of the storage sheds to the southwest corner of the subject property is approximately eighty (80) metres. Please refer to Figure 1 which illustrates the respective distances.

Figure 1 – Frontage Distances



Pursuant to section 65 of the Planning Act 2016, for any condition on the development approval to be a lawful condition, it must:

- “... (a) be relevant to, but not be an unreasonable imposition on, the development or the use of premises as a consequence of the development; or*
- (b) be reasonably required in relation to the development or the use of premises as a consequence of the development.” (Section 65 (1))*

In this case we noted that the condition as imposed:

- 1. States, most likely in error, that “The upgrade shall include construction of the half road on the **eastern** side of Homestead Road centreline to Council’s standard.”. We would respectfully contend that the condition needs to refer to the western frontage of the road on which the approved development is located. It appears that any road upgrade would more properly apply to the western frontage of Homestead Road impacted by the proposed development.*
- 2. We note that the approved “Warehouse” use occupies only part of the subject land and is adjacent to that part of the road frontage of Homestead Road for a distance of approximately twenty-five (25) metres. Council’s existing condition imposes a requirement to upgrade Homestead Road “...from the southern boundary of the site for the full frontage of the proposed development footprint.” As illustrated in **Figure 1**, this amounts to a total distance of approximately eighty (80) metres. This is significantly longer than the frontage adjacent to that part of the site occupied by the approved warehouse use.*
- 3. We further note, that associated conditions forming part of the approval impose a range of other operational limitations that were proposed and accepted by the applicant as a purposeful means of limiting the intensity of the use and to negate any potential for it to give rise to adverse amenity impacts on surrounding sensitive uses. One of these limitations, imposed under Condition 7 of the Decision Notice, limits deliveries to the site to no more than one (1) heavy vehicle per week. This suggests the approved use is likely to place a negligible additional demand or have an inconsequential impact on the local road network, above that that would typically be anticipated to occur in a residential area.*

Having regard to the preceding considerations, we contend that the requirement for the applicant to facilitate and meet the costs associated with the upgrading of Homestead Road to Council’s nominated standard for a distance of approximately eighty (80) metres is not lawful as it is not a reasonable or relevant condition, and results in an unreasonable imposition on use of the subject premises.

Further, the extent and cost of the works involved relative to the size and intensity of approved use, is not a commensurate or proper response to the consequences of the approved development or the load imposed on Council’s local road network.

From that perspective we contend that for any cost impost on the applicant to be a reasonable imposition, it needs to have regard to:

- A. Upgrading required adjacent to that part of the site to which the approved use relates. In this case, any requirement to contribute to the foreshadowed upgrading should be limited to the frontage distance of approximately twenty-five (25) metres, where upgrades can be justified as a normal or proper consequence of the approved use;*
- B. Any cost impost for upgrading works acknowledges the limited and largely inconsequential additional demand / load imposed on the local road network as a result of the approved use.*

We also contend that the sporadic and piecemeal upgrading of the road network in response to individual development applications does not result in coordinated and coherent upgrading and enhancement of the networks concerned.

For the reasons outlined, and instead of Condition 25, the applicants proposed (at their own instigation) to seek Council's agreement to enter into an infrastructure agreement with the applicant's pursuant to section 150 of the Planning Act 2016. Such agreement would oblige the applicant to make a monetary contribution in lieu of undertaking any works presently imposed under Condition 25.

*Instead of undertaking the identified roadworks the agreement would require the applicants to make a monetary contribution in the order of **\$20,000** towards the costs of road upgrade works in the vicinity of the site in Homestead Road.*

In the interests of resolving the issue equitably and expeditiously with Council, my clients have doubled their original nominated contribution amount of \$10,000 offered to Council prior to the conditioning of the approval.

The terms of such agreement would allow Council to use the contributed funds at the time it elected to proceed with the upgrading of Homestead Road.

These representations therefore seek Council's agreement to delete or modify condition 25 to instead enter into an infrastructure agreement with the purpose of effect as previously outlined. The applicant is agreeable to writing to Council to formally propose an Infrastructure Agreement which entails an obligation on them to contribute \$20,000 to road upgrade works instead of undertaking the currently conditioned standard/extent of works to Homestead Road.

This would negate any suggestion that Council is compelling the applicant to enter into such an agreement. A suitable condition could also be drafted for Council's consideration to give practical effect to such an agreement, in a manner that would not contravene any conditioning principles imposed under the Planning Act 2016.

In addition, the applicant provided the following as a breakdown of the \$20,000 sum:

We consulted with ... Engineers to get some typical linear metre rates for kerb and channel and square metre rates for road widening.

... advised that the following rates of thumb provide a reliable indication of likely costs involved:

- Kerb and Channel - \$50-\$80 a linear metre*
- Road widening – between \$100 - \$130/m²*

In this case the approval is limited to authorising only two sheds to be used for warehouse purposes. Accordingly, we consider it is reasonable for Council to impose these works requirements over the frontage adjacent to the two sheds the subject of the approval. While some might see it as opportune for Council to seek to impose the requirement or cost to extend the kerb and channel & road widening from south of the existing dwelling where it terminates to the northern extent of the sheds approved for warehousing, we do not think this is reasonable or relevant requirement given the limited scope of the approval. The road upgrade requirements, be they road widening or kerb and channel have to be commensurate with the impacts of the approved use. Arguably with only one delivery truck per week, and limited increase in impervious areas (most stormwater captured in on-site tanks) there is negligible impact on the road and stormwater networks in the vicinity. On that basis we proposed a monetary contribution in lieu of works, as we also appreciate that it does not make sense to provide upgrades of this nature in bits and pieces. A contribution can secure a proportionate share of the cost to be used by Council when the overall upgrading of those networks occurs in that area.

The frontage adjacent to the sheds approved as warehouses totals 25 metres. Using the rates above we have assumed that the contribution made should be commensurate with the following works (we used the high end of each rate scale provided):

- 25m x \$80/ linear metre for kerb and channel - \$2000; Plus*
- A 4m wide road widening x 25 metres = 100m² X \$130/m² = \$13,000*

Subtotal \$15,000

Plus contribution towards overall mobilisation costs, traffic control during construction and incidentals - \$5000

TOTAL: \$20,000

The proposed development is to formalise of an unlawful use. The two sheds have been constructed and are currently being used for Warehouse purposes, in the Low density residential zone. The purpose of the Warehouse is to store surplus furniture stock that is unable to be stored at the applicant's furniture business, operated from Palmerin Street, Warwick.

AO2 and PO2 of the Industry uses code, which is applicable to all industry uses not within the Industry zone, state as follows:

AO2 *In partial fulfilment of the PO – (a) Access to the site is via a fully constructed sealed road. (b) In all urban zones, except the Township zone, the frontage of the site is kerbed and channelled.*

PO2 *The site is accessed via a road that is of a standard to adequately cater for the traffic generated by the use without causing traffic hazards, damage to the road or dust nuisance to persons or property not connected with the use.*

Immediately to the south of the site, Homestead Road is constructed to an 8.0 metre width with kerb and channel. The construction of the road to the south would have been constructed as part of historical subdivisions which created Hermay Court and constructed residential lots on Homestead Road and Gibson Road, and later created Fairwill Drive.

The traffic estimate for Homestead Road is 600 Average Daily Traffic (ADT) movements, with 20% heavy vehicle (HV). The addition of one 8 tonne truck per week represents a 1.2% increase.

At present the concrete apron in front of the sheds extends over the property boundary, toward the road, as shown in Figure 3. The concrete does stop just short of the reticulated water main alignment, which runs parallel. There is a fire hydrant valve located in proximity to the concrete apron also.

The area between the road and the concrete apron is dirt/gravel, with an entry/exit point from Homestead Road located at the northern most end of the concrete apron.

At present the second entry/exit point from Homestead Road, is in front of the domestic shed, being the most southerly shed. This concrete crossover exists and is proposed to remain unchanged.

Advice sought from Council's Infrastructure Services Directorate has been consistently that road widening is to occur and extend from the southern boundary of Lot 3 RP184516 to the northern limit of the development footprint, this advice remains unchanged. The works are to include kerb and channel. It is considered unreasonable to require piped drainage in this circumstance.

The installation of kerb and channel will ensure that damage to the road edge is minimised by controlling the entry and exit points, providing stability to the road edge to ensure no further damage occurs and reduce vehicles driving over the water main. The reticulated water main in this area has only 600 millimetres of cover, as a verge is not generally a traffic area.

If this water main was to be compromised, it would affect in excess of 65 dwellings, through both the supply of water and fire fighting.

Given the scale and operations of the use, it is not considered reasonable to require the reconstruction of the roadway, construct formal drainage, or for the submission of a pavement impact assessment.



Figure 3: Homestead Road frontage

As part of the review of this condition, the following further assessment has been provided by Council's Development Engineer:

[In relation to the provision of kerb and channel,] there needs to be a taper back to the original road profile at both ends and there are other costs including engineering design and supervision that do not appear to have been accounted for.

The rates themselves are reasonable in isolation, they just don't represent the whole cost.

For reference, the works at [address withheld] worked out at \$136/m² for the widening and \$190/m for the kerb.

There was also \$37,000 in stormwater pipes that needed to be extended 130m to the nearest part of our network.

Homestead Rd has not been asked to provide piped stormwater drainage as ... it was unreasonable for them to have to extend the S.W 240m to the nearest part of our network ...

It should be noted that the 25 metres outlined by the applicant, does not cover the full frontage of the two sheds, including the concrete apron adjoining the side of the sheds. This distance also does not include any tapering, which would be required.

An infrastructure agreement is a written agreement between the developer and a public sector entity, i.e. Council. It is a mechanism to establish the obligations of each party, provides timing, and identifies the schedule of works. Such agreements can also be used to resolve other infrastructure related matters that have been conditioned, such as the matter at foot.

By entering into an infrastructure agreement for such works, Council would be committing to undertaking the works on behalf of the landowner, in a reasonable period of time, for an agreed amount. At present there is no engineering design for the works, therefore the proposed amount is considered to be inadequate for the works required.

An infrastructure agreement will provide the applicant/landowner certainty about the costs of the works required, and can allow a development to commence without the works being completed, although in this circumstance, the development has already commenced.

The conditioned road widening and installation of kerb and channel are not only to resolve road impacts in front of the site, but will improve pedestrian safety as there will be a delineated verge to traverse, it will protect the edge of the sealed road, and provide connectivity of infrastructure. It should be remembered that Condition 25 was also imposed to address concerns raised as part of the submissions. The concerns raised by the submitters are outlined previously in this report and included Pedestrian Safety, Standard of Homestead Road, and Drainage issues.

It is considered reasonable that the intent of Condition 25 remain unchanged, to construct Homestead Road along the frontage of the site to match the adjoining standard.

Condition 25 should be amended as follows:

25. Homestead Road shall be upgraded from the southern boundary of the site for the full frontage of the proposed development footprint.

The upgrade shall include construction of the half road on the ~~western~~ ~~eastern~~ side of Homestead Road centreline to Council's standard. This will provide a 4.0 metre sealed width from the road centreline and kerb and channel to match the existing alignment located at the corner of Homestead Road and Bracker Road.

With regards to the Infrastructure Charges Notice, the Infrastructure Charges levied are as follows:

Development Type	Network	Charge Rate	Proposed	Credit	Charge
Industry - Warehouse	Stormwater	\$8/impervious m ²	589.5m ²	-	\$4,716.00
	Other	\$25.02/m ² GFA	376.11m ²	-	\$9,410.27
TOTAL:					\$14,126.27

Office use only			
Network	Proportion of Charge	Charge/Network	Receipt Code
Transport	46%	\$4,328.72	RC241
Water supply	54%	\$5,081.55	RC244
Stormwater	100%	\$4,716.00	RC242

The applicant is seeking the removal of the water supply aspect.

The following justification has been provided by the applicant:

The Infrastructure Charges Notice (ICN) issued in conjunction with the Decision Notice imposes total infrastructure charges in the sum of \$14,126.27.

The charges imposed are itemised as follows:

- *Transport Network* *\$4328.72*
- *Water Supply Network* *\$5081.55*
- *Stormwater* *\$4716.00*
- TOTAL*** ***\$14,126.27***

At the outset, we note that the applicants accept the infrastructure charges proposed for both the Transport and the Stormwater networks.

The approved use is limited to two (2) sheds used for overflow or surplus furniture storage. The sheds are not connected to the reticulated water supply network, nor do they need to be.

The imposition of an infrastructure charge representing the additional load on the reticulated water supply network is not appropriate. There is no additional demand placed on that network.

*Accordingly, we request that a Negotiated Infrastructure Charges Notice be issued removing the charge for the water supply network (\$5081.55), meaning the total charges payable would revert to **\$9044.72**.*

As there is no condition imposed to require the development to be connected to Council's reticulated water supply, infrastructure charges cannot be levied for that network. Therefore the Infrastructure Charges should be amended as follows:

Development Type	Network	Charge Rate	Proposed	Credit	Charge
Industry - Warehouse	Stormwater	\$8/impervious m ²	589.5m ²	-	\$4,716.00
	Other Transport	\$25.02/m² 46% of \$25.02/m ² GFA	376.11m²	-	\$9,410.27 \$4,328.72
TOTAL:					\$9,044.72 \$14,126.27

Office use only			
Network	Proportion of Charge	Charge/Network	Receipt Code
Transport	46%	\$4,328.72	RC241

Water supply	54% NA	\$5,084.55 Nil	RC244
Stormwater	100%	\$4,716.00	RC242

Recommendation

THAT Council agree in part with the change representations made in relation to the application for a Material Change of use to establish a Warehouse (Two (2) Sheds) on land at 29 Homestead Road, Rosenthal Heights, described as Lot 3 RP184516, and Condition 25 and the Infrastructure Charges Notice be amended as follows:

25. Homestead Road shall be upgraded from the southern boundary of the site for the full frontage of the proposed development footprint.

The upgrade shall include construction of the half road on the ~~western~~ eastern side of Homestead Road centreline to Council's standard. This will provide a 4.0 metre sealed width from the road centreline and kerb and channel to match the existing alignment located at the corner of Homestead Road and Bracker Road.

Infrastructure Charges Notice:

Development Type	Network	Charge Rate	Proposed	Credit	Charge
Industry - Warehouse	Stormwater	\$8/impervious m ²	589.5m ²	-	\$4,716.00
	Other Transport	46% of \$25.02/m ² GFA	376.11m ²	-	\$4,328.72 \$9,410.27
TOTAL:					\$9,044.72 \$14,126.27

Office use only			
Network	Proportion of Charge	Charge/Network	Receipt Code
Transport	46%	\$4,328.72	RC241
Water supply	54% NA	\$5,084.55 Nil	RC244
Stormwater	100%	\$4,716.00	RC242

ATTACHMENTS

Nil