

PLANNING SCHEME POLICIES

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PLANNING SCHEME POLICY 1 – INFORMATION JOHNSTONE SHIRE COUNCIL MAY REQUEST

1. Information Council may request

Council may request the following information from the applicant to assist the assessment of a development application involving:

(a) Reconfiguration of a Lot on Rural Zoned Land

- If an application is for reconfiguration of a lot that involves rearrangement of a boundary, which creates lots having a lesser area than allowed by the relevant code, an agricultural suitability report prepared by a suitably qualified person shows that the agricultural viability of the land is improved as a result of the reconfiguration; or
- If an application is for reconfiguration of a lot is on a site with a current development permit for a material change of use on a lot below the minimum area specified by the relevant code, a report prepared by a suitably qualified person demonstrating that the lot size is sufficient to contain that material change of use.

(b) Non-rural uses in the Rural Zone are to provide information to demonstrate that:

- the proposed development will provide direct services or goods to local rural production; or
- the use is ancillary to farming; or
- the use is for the purpose of rural service industry, aquaculture, extractive industry or public infrastructure; or
- the use is for another purpose which can be demonstrated to have an over-riding public benefit for the Shire, as determined by Council; or
- where all of the following can be demonstrated:
 - the use would not prejudice rural activity (current or future) in the locality; and
 - the use would not diminish the rural amenity of the locality; and
 - the use will not have an adverse impact on the environment.

(c) Cultural Heritage Sites containing features listed on Schedule 2

if an application involves the alteration, removal or demolition of a place of cultural heritage significance then a report by a suitably qualified person to:

- illustrate the amount of the alteration, removal or demolition, and
- demonstrate that the alteration, removal or demolition is unlikely to affect the visual or heritage significance of the place, or
- demonstrate that the alteration, demolition or removal is necessary for reasons of public safety (e.g. provision of fire escapes) and that design measures have been taken to minimise any affect on the visual or heritage significance of the building, and
- assess the structural integrity of the building, and
- identify whether it is reasonable to make the structure or building structurally sound if necessary.

- (d) Historic Cultural Heritage Features containing places of cultural heritage significance listed in Schedule 2 if an application involves new built structures within 40 metres of a place of cultural heritage significance, a report from a suitably qualified person determining buffer widths between the new built structures and the place of cultural heritage significance based on:
- the nature of the place or site,
 - the nature of the proposed land use, and
 - the nature of the proposed development site.
- (e) Habitat Protection where additional clearing is proposed a Natural Area Management Plan identifying that the corridor can function efficiently and effectively.
- (f) Steep land that is proposed to be developed where the land has a *slope* greater than 15%. A report prepared by a suitably qualified person may be requested to determine the geological stability of the land including:
- Desktop studies of geology, *slope* instability and topographical maps and study reports;
 - Appraisal of *slope* instability indicators (including such factors as seepage, soil creep, vegetation and building distress);
 - Collection of geological and topographical measurements for the site;
 - Identification of landslip/subsidence risk areas;
 - Recommendations for suitable land use; building location, design and construction; density of development; earthworks; retaining walls; drainage; effluent disposal; vegetation retention and site maintenance.
- Development is carried out only on parts of a site containing geologically stable land, or unlikely to be affected by surrounding unstable land as determined in the report and is conducted in accordance with the report having particular regard to:
- Construction and foundation requirements;
 - On-site engineering works for driveways, retaining walls, pools, dams, pads and benches;
 - Vegetation management.
- (g) Acid sulfate soils sampling and analysis is carried out in accordance with the procedures described in State Planning policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils and Guideline.
- (h) State Planning Policies where a State Planning Policy is relevant to the proposed development a report demonstrating how the proposed development complies with the State Planning Policy.
- (i) Extracting or Filling in Residential precincts. Evidence adjoining land owners have been advised of the proposal may be requested.

PLANNING SCHEME POLICY 2 – CONSULTATION

1. When Council may consult on an application

Without limiting its discretion under IPA, section 3.2.7¹, the Council may seek advice or comment about an application in any circumstances the Council determines, including, in the Council's opinion, if –

- (a) The development may conflict with a code;
- (b) Specialised technical advice is required to assess the development;
- (c) The development may affect premises being of special interest to a person.

2. Who may be consulted

- 1) The Council may seek advice or comment about an application for development from any person, including any considered by the Council to have specialist knowledge or a special interest in an application.
- 2) Without limiting subsection (1), the Council may seek advice or comment about an application for development if –
 - (a) **Acid Sulphate Soils:** on land identified as potential acid sulphate soils – from the Department of Natural Resources and Mines; and
 - (b) **Cane Railways and Sidings:** on land within 20 metres of a Sugar Cane Railway or 50 metres of a Sugar Cane Siding – from the mill operator (Note: sidings include road transport sidings); and
 - (c) **Port of Mourilyan:** on land within 200 metres of Mourilyan Harbour Road – from the Ports Corporation of Queensland; and
 - (d) **Mineral Resources:** on land within 1000 metres of a quarry and 200 metres of an extraction - from the Department of Natural Resources and Mines; and
 - (e) **Indigenous Cultural Heritage:** the *development footprint* is on or within 40 metres of land identified as habitat on Map 6 and the development is identified in table A as '3rd party referral', – from Department of natural Resources and Mines and relevant traditional owner representative body. (refer Map 10)².
 - (f) **Adjoining Shires:** on land that is adjoining the shire boundary – from the adjoining Shire/ City Council.

¹ IPA, section 3.2.7 (Additional third party advice or comment)

² Prior to carrying out development, whether the site is identified on Maps 10 or not, consideration should be given to the Aboriginal Cultural Heritage Act 2003. Under this Act anyone doing an activity on land or water has a statutory duty of care to take all reasonable and practicable measure to ensure activities don not harm cultural heritage. The Department of Natural Resources and Mines should be contacted for further information.

- (g) **Department of Main Roads:** the development is for an advertising devise with an area of greater than 3m² and is located on a state controlled road as identified in schedule 4.

3. How consultation may be undertaken

The Council may seek advice or comment in any way considered appropriate for the circumstances, including-

- a) Public notification in a newspaper;
- b) Placing a notice on the premises;
- c) Placing a notice at a public place;
- d) Personal notification or contact;
- e) Public meetings;
- f) Meeting with a person having a special interest.

Table A – Indigenous Cultural Heritage

This table assists Council to determine if Council should undertake third party referral with relevant traditional owner representatives for particular developments. The table A is to be read in conjunction with Map 10.

<i>Indigenous Cultural Heritage Feature Potential</i>	<i>Where the development footprint:</i>	<i>All other areas</i>
Development Type	<ul style="list-style-type: none"> • Is in the Rural, Conservation/ Open Space, Rural Residential Zone or the recreational precincts of the Innisfail, Mission Beach or Village Zone; and • involving <i>disturbance of the natural soil surface</i>; and • within 50 metres of the high bank of a major watercourse or wetlands or 25 metres of the high bank of a natural <i>watercourse</i>; or • within 100 metres of the <i>high water mark</i> of the coast; or • within a area covered by habitat identified on Map 6. 	
Material Change of Use		
Agriculture	No	No
Animal Keeping	3rd party referral	No
Aquaculture	3rd party referral	No
Caravan Park	3rd party referral	No
Car Park	3rd party referral	No
Cemetery	3rd party referral	No

<p><i>Indigenous Cultural Heritage Feature Potential</i></p> <p>Development Type</p>	<p>Where the <i>development footprint</i>:</p> <ul style="list-style-type: none"> • Is in the Rural, Conservation/ Open Space, Rural Residential Zone or the recreational precincts of the Innisfail, Mission Beach or Village Zone; and • involving <i>disturbance of the natural soil surface</i>; and • within 50 metres of the high bank of a major watercourse or wetlands or 25 metres of the high bank of a natural <i>watercourse</i>; or • within 100 metres of the <i>high water mark</i> of the coast; or • within a area covered by habitat identified on Map 6. 	<p>All other areas</p>
Childcare Centre	No	No
Commercial Activities	3rd party referral	No
Community Installation	3rd party referral	No
Correctional Facility	3rd party referral	No
Educational Establishment	3rd party referral	No
Extraction	3rd party referral	No
Funeral Parlour	3rd party referral	No
Heavy Industry	3rd party referral	No
Home Business	No	No
Hospital	3rd party referral	No
Hotel	3rd party referral	No
Indoor Recreational Facilities	3rd party referral	No
Intensive Agriculture	3rd party referral	No
Light Industry	3rd party referral	No
Medium Industry	3rd party referral	No
Motel	3rd party referral	No
Multiple Residential	3rd party referral	No
Multiple Rural Occupancy	No	No
Other Residential	3rd party referral	No
Outdoor Recreational Facilities	3rd party referral	No
Park	No	No
Place of Assembly	3rd party referral	No
Plant Production	3rd party referral	No
Quarry	3rd party referral	No
Retirement/ Supported Residential	3rd party referral	No
Rural Service Industry	3rd party referral	No
Service Station	3rd party referral	No
Showroom and Display Facilities	3rd party referral	No
Single Residential	No	No
Tourist Facility	3rd party referral	No
Transport Facilities	3rd party referral	No
Veterinary Facilities	3rd party referral	No
All Other uses except for road	3rd party referral	No
Reconfiguration of a Lot		
Reconfiguration of a lot creating more than 5 lots.	3rd party referral	No

<p><i>Indigenous Cultural Heritage Feature Potential</i></p> <p>Development Type</p>	<p>Where the <i>development footprint</i>:</p> <ul style="list-style-type: none"> • Is in the Rural, Conservation/ Open Space, Rural Residential Zone or the recreational precincts of the Innisfail, Mission Beach or Village Zone; and • involving <i>disturbance of the natural soil surface</i>; and • within 50 metres of the high bank of a major watercourse or wetlands or 25 metres of the high bank of a natural <i>watercourse</i>; or • within 100 metres of the <i>high water mark</i> of the coast; or • within a area covered by habitat identified on Map 6. 	<p>All other areas</p>
<p>Operational Works and Building Work</p>		
<p>Carrying out building works not associated with a material change of use</p>	<p>No</p>	<p>No</p>
<p>Extracting or Filling > 200m³</p>	<p>3rd party referral</p>	<p>No</p>
<p>Placing an advertising device</p>	<p>No</p>	<p>No</p>
<p>Clearing of Native Vegetation</p>	<p>3rd party referral</p>	<p>No</p>

PLANNING SCHEME POLICY 3 – ADDITIONAL IDENTIFIED CULTURAL HERITAGE FEATURES OR HABITAT AREAS

1. Additional areas declared by the State

The Council may add other items to the list in schedule 2, or map 6 (cultural heritage features) or map 7 (habitat protection areas) if other areas are recognised as follows-

- (a) a feature of historical or indigenous cultural heritage significance;
- (b) protected area, critical habitat, endangered species or area of major interest under the *Nature Conservation Act 1992*;
- (c) declared fish habitat area under *Fisheries Act 1994*;
- (d) declared weeds by the *Rural Lands Protection Act 1985* or Johnstone Shire Council

2. The Council will receive and consider nominations

- (1) The Council will receive and consider nominations from any person for additional items to be included in or deleted from schedules 2, 3 or 4 or maps 6 or 7.
- (2) The Council may accept a nomination as originally proposed or may accept a modified nomination after negotiation with the nominator.
- (3) If the Council accepts a nomination or modified nomination, the local government will initiate an amendment to the schedule to include the new item or delete the item, including, (if appropriate), a new descriptive category.
- (4) If appropriate, the Council will also initiate an amendment to the planning scheme to include-
 - (a) changes to the development assessment tables;
 - (b) one or more specific outcomes, with or without probable solutions, in the applicable shire wide measures.

3. Making a nomination

- (1) A nomination should be made in writing to the Council and-
 - (a) describe the nature of the feature ;
 - (b) identify its specific location on one or more lots, preferably by description and on a map;
 - (c) describe the value of the feature or resource, or the potential risk that the feature may pose to the environment or human health or safety;
 - (d) describe development or effects of development that may significantly adversely affect the values of that feature or resource, or increase the risk posed by the feature to the environment or human health or safety.
- (2) For paragraph (b), if the person making the nominator considers public knowledge of the specific location may threaten the feature or resource, a more general description may be provided.

PLANNING SCHEME POLICY 4 – PROTECTION OF HABITAT VALUES

1. Higher density of development

This section identifies when Council may favourably consider development applications resulting in a higher density of development than provided for in the planning scheme.

Part of the purpose of the rural zone as stated in Part 4, Division 2, 4.2.2 is *"Protect the ecosystem function of existing habitat by promoting the protection from removal and destruction in the rural conservation precinct"*.

Lots within the rural conservation precinct have all or part of the lot containing areas of significant habitat, which the Council wants to protect from removal and destruction.

Council may consider a higher density development than that provided for in the planning scheme in the following circumstances:

- (a) The habitat is not already protected from removal or destruction and could be made subject to a more secure level of protection through a conservation covenant.

For example conversion of conservation agreements to conservation covenants, non remenant or land identified a remnant 'not of concern' under the *Vegetation Management Act 1999* is protected by a conservation covenant; and

Land subject to an existing conservation covenant, under a provision of this or previous planning schemes, or protected under the *Fisheries Act 1994*, the *Vegetation Management Act 1999*, the *Nature Conservation Act 1992*, the *Wet Tropics World Heritage Protection and Management Act 1993*, etc will not be considered for higher density development under this policy; and

- (b) The capacity of the habitat system on the lot affected by the development and adjacent lots is able to withstand the likely impacts of the proposed development and maintain habitat integrity in the long term; and
- (c) The proposed development does not alienate good quality agricultural land.

Note that the habitat protected does not need to be on the same lot as the proposed development, though this will only be considered where the development site has a higher level of infrastructure provision or the development will provide a higher standard of infrastructure provision than the site subject to the protected habitat.

2. Appropriate density of development

When determining the appropriate density of development the following is a guide to ensure that the integrity of the habitat to be protected:

- (a) For material change of use involving accommodation, accommodation for up to 3.1 equivalent persons is permitted for each five (5) hectares of habitat protected using a conservation covenant up to a maximum of 12.4 equivalent persons or four (4) equivalent tenements.
- (b) For reconfigurations, one (1) allotment of one (1) hectare in area is permitted for each five (5) hectares of habitat protected using a conservation covenant up to a maximum of four (4) additional lots.
- (c) For habitat that has existing protection and a higher level of protection is proposed, only a part increase in density of development is permitted.

Note that when calculating the maximum proposed density the above criteria is used plus the density of development permitted on the site using the criteria in the planning scheme.

Note that when calculating the habitat to be protected, areas to be revegetated subject to suitable conditions may also be counted in the calculation.

3. Appropriate conditions

To ensure that the habitat values of the habitat are protected, Council may include in a development approval the following conditions:

- (a) The habitat area is formally protected under a conservation covenant³ that prohibits the clearing of the habitat.
- (b) The habitat area subject to a conservation covenant is to be protected from adjoining land use practices. This could include but is not limited to the requirement of:
 - where possible locating development in existing cleared areas or on the periphery of the area of habitat;
 - designated building pad;
 - prohibit removal or destruction of vegetation within conservation covenant area excluding building pad;
 - fencing with four (4) strand plain unelectrified wire;
 - revegetation to land adjoining the conserved habitat area (on the same lot) to provide a *buffer*;
 - exclusions, limitations and/or restrictions on domestic animals;
 - *buffers* between building and effluent disposal areas and the habitat.

³ Conservation covenants form part of the title to the lot under the *Land Act 1994*.

PLANNING SCHEME POLICY 5 – INFRASTRUCTURE STANDARDS

- 1. Council's Planning Scheme Policy 5 – Infrastructure Standards is the 'Far North Queensland Regional Development Manual' relevant to Johnstone Shire.**

PLANNING SCHEME POLICY 6 – TRUNK INFRASTRUCTURE CONTRIBUTIONS AND EXTERNAL WORKS

1. Introduction

a) Area covered by this policy

This trunk infrastructure contribution policy covers the priority infrastructure areas of the Johnstone Shire Council area which is supplied with or which are to be supplied with trunk infrastructure. These areas are identified as Water, Sewerage and Stormwater areas, and as Public Recreation, Bike Lane/ Shared Path and Facilities and Car Parking precincts.

b) Purpose of this policy

This trunk infrastructure contribution policy is an interim policy to provide a mechanism for the funding and provision of development infrastructure for the Johnstone Shire Council until such time as the Regulations and Guidelines for the preparation for a Priority Infrastructure Plan in accordance with the requirements of the Integrated Planning Act 1997 are adopted.

c) Development infrastructure networks included in this plan

Development infrastructure to be provided under this plan will be funded by Infrastructure Contributions imposed as conditions on development approvals.

Infrastructure Contributions

Development infrastructure to be funded by Infrastructure Contributions identified in this Policy are:

- Reticulated water supply
- Sewage collection and treatment
- Storm water drainage systems
- Public recreation areas and facilities
- Bike lane/ shared path and facilities
- Off street car parking facilities

Desired standards of Service for each of the infrastructure networks are identified in Parts 2 to 7 of this Plan.

Infrastructure items to be funded by Infrastructure Contributions and the timing for provision of the infrastructure are identified in the Supporting Information referred to in sections 2 to 7 of this Policy.

d) Alternative methods of funding infrastructure

As part of preparing this Policy Council has considered alternative methods for funding infrastructure including:

- Recurrent utility charges (eg. Water supply and sewerage)
- Special rates and charges
- General rate income
- Infrastructure Contributions

Council has opted to utilise 'up front' Infrastructure Contributions to fund the capital costs of providing development infrastructure to minimise exposure to borrowings and avoid the potential for cross subsidies associated with using the general rate base and the difficulties of establishing differential rates to accurately reflect relative contributions from a range of funding mechanisms historically applied.

"Up front" Infrastructure Contributions in the form of headworks charges for water supply and sewage treatment and development contributions for storm water, public recreation, bike lane/ shared path and facilities and car parking infrastructure have applied within the Johnstone Shire Council area for a number of years and have general community acceptance.

Any development generating an increase in demand outside the service catchment will be required to connect the infrastructure to the serviced infrastructure system.

e) Infrastructure planning

Planning for future land use development and infrastructure provision for Johnstone Shire has been based on population projections for the Johnstone Shire Council area for the period up to 2016.

The starting population distribution is based upon the 1996 Census population figures. These have been adjusted to convert the census count to residential population.

The population densities likely to be achieved for each precinct are as follows:

Zones/ Precincts	Maximum Site Density Persons/Ha	Precinct Density Persons/Ha
Rural Residential	12	6
Residential Precinct	70	24
Residential Precinct (Village and Tourist)	100	48
Residential Precinct (Medium Density and Marine Parade)	200 - 400	72
Central Business Precinct and Local Business Precinct	40	40
Business Frame Precinct and Industry Precinct	30	120
Industry Zone	30	33

Infrastructure planning for water supply, sewage, storm water, public recreation and bike lane/ shared path and facilities have been based on anticipated service demand resulting from the ultimate populations for each district, catchment or precinct for full development in accordance with the Johnstone Planning Scheme.

f) Glossary of terms

Service Precinct – The area being served by an infrastructure item, collection of infrastructure items or infrastructure network, as shown on relevant maps (S1-S2 & W1 – W13).

Demand Unit – The basic unit of capacity for particular infrastructure works. The capacity of each infrastructure item or network of items can be expressed in terms of number of demand units able to be serviced.

The service demands attributable to all types and scale of land usage can be expressed in terms of the number of demand units required to be serviced by the infrastructure.

The service demand units for each type of Infrastructure covered by this Policy are defined as follows:

Water supply:	Equivalent tenements
Sewage:	Equivalent tenements
Storm water:	Equivalent tenements
Public recreation	Equivalent tenements
Bike lane/ shared path and facilities	Equivalent tenements
Car parking:	Car parking Spaces (No.)

Infrastructure Contribution Rate – Share of the cost of infrastructure items attributable to a single demand unit based on its estimated share of usage of the infrastructure items.

Service Demand – Measure of relative use of an infrastructure item or collection of infrastructure items resulting from the use of land or premises expressed in terms of number of demand units.

Net Increase in Service Demand – Service Demand from the use of land or premises subsequent to a development over and above the service demand from the existing use.

Existing Use – For the purpose of establishing a service demand for the use of land or premises prior to a development, existing use is defined as follows:

The greater of the service demand for:

- Existing use of the land at the time of the Development Application
- Service demand for which contributions have been paid

Existing self assessable single residential development is exempt from service demand charging.

g) Calculating the contribution

Infrastructure Contributions are established on the following basis:

$$\frac{\text{Total Cost of the Infrastructure Items servicing the District}}{\text{Infrastructure Contribution Rate for a District}} = \frac{\text{Total Ultimate Service Demand for the developed District (existing and future)}}{\text{Total Ultimate Service Demand for the developed District (existing and future)}}$$

The Infrastructure Contribution calculated therefore relates to the total cost of the infrastructure items or network of items calculated at a reference date of 1997 distributed over the ultimate service demand to establish the relative cost of infrastructure for a single demand unit.

The Infrastructure Contribution obligation therefore relates to the cost of the infrastructure item or network of infrastructure items which provide for the increase in service demand created by the proposed development.

In this way the costs associated with the existing populations (and any existing deficiencies) are not included in the Infrastructure Contribution obligation.

$$\text{Infrastructure Contribution Rate (\$/service demand unit) for the relevant district} = \frac{\text{Infrastructure Contribution}}{\text{the relevant district} \times \text{Nett Increase in Service Demand}}$$

2. **Water supply infrastructure contributions**

a) Objective of policy

Council's objective for trunk water supply infrastructure is to provide efficient delivery of water to Water Supply Areas at the desired standard of service.

b) Desired standard of service

For the purpose of infrastructure provision Council's desired standard of service for the provision of water supply in the shire is to provide water that is safe and delivered to the consumers at adequate pressure and quantity.

c) Infrastructure items

The trunk water supply infrastructure items that will attract an infrastructure contribution can be described as follows:

- Water supply sources: land acquisition, dams, weirs, intake structures, site access, communications, power supply, control and alarm systems, water treatment plants, buildings, trunk mains and the like required to treat raw water and to convey potable water to reservoir storages.
- Reservoir Storages: land acquisition, storage reservoirs, interconnecting pipe work, reservoir access and landscaping, site access, communications, power supply, control and alarm systems, valves, metres off take mains and the like required to store potable water prior to trunk distribution systems.
- Trunk distribution systems: Trunk mains (150mm diameter or greater), control valves, meters, fittings and the like required to convey potable water from the reservoir storages to local reticulation within the individual water supply areas.

d) Calculation of contribution rate

The contributed rate is determined in accordance with the location and type of application under consideration. This is where Council is prepared to make available water to the relevant land, the applicant shall pay the Council:-

- a contribution towards the cost of water supply where the amount of such contribution shall be determined in accordance with the requirements of this Policy;
- the cost of water supply works external where the amount such cost shall be determined in accordance with the requirements of this Policy; and
- the cost of water supply works internal where the amount of such cost shall be determined in accordance with the requirements of this Policy.

Contributions

Contributions shall be determined in accordance with the location and type of application under consideration, as specified hereinafter:

Service Demand Increase (SDI)

For all SDI proposed the contributions shall be calculated as specified hereinafter.

The water supply contributions shall be calculated in accordance with the following formula:-

Water Supply Contribution = Service Demand Increase x Equivalent Tenement

The number of equivalent tenements for development application under consideration shall be assessed in accordance with Appendix 1 – Equivalent Demand Ratios.

External works

Where the Council requires an applicant to undertake works, pay the cost or to contribute towards the cost of works external (for example for a development located outside the service precinct), then the Council shall specify the exact extent of such works, and determine an amount of contribution which shall be reasonable in the opinion of the Council having regard to the reasonably foreseeable extent of usage of the works concerned that would result from approval of the applicant's development.

The water supply works external contribution shall be equal to that portion of the cost, estimated by the Council, of the specified works external which in the opinion of the Council is attributable to works required for the purpose of connecting the applicant's development to the Council's water supply network.

External works costs shall be additional to any charges payable under trunk water supply infrastructure contributions.

Internal works

Where required as a condition of approval of a development the applicant shall provide for the construction of all water supply works internal at the expense of the applicant, and shall enter into an agreement with the Council in respect of such works.

e) Schedules/ maps

The areas to which the water supply infrastructure contributions apply is shown on the water precinct plans W1 to W13.

The infrastructure contributions apply in the precinct contained in the Council's annual budget 'Schedule of Charges'. The contributions may be subject to an annual increase taking into account:

- changes in the value of works due to increases in material costs and plant and labour charges.
- changes in land values.

f) Supporting information

Johnstone Shire Council Policy for Determination of Augmentation Fees, July 1991.

3. Sewage infrastructure contributions

a) Objective of policy

Council's objective for trunk sewerage system infrastructure is to collect, treat and dispose sewage in an efficient manner having regard to the amenity, public health and environmental requirements.

b) Desired standard of service

For the purpose of infrastructure provision Council's desired standard of service for the provision of sewerage system in the shire is to provide a sewage collection and treatment system which complies with the relevant environmental standards.

c) Infrastructure items

The trunk sewerage system infrastructure items that will attract an infrastructure contribution can be described as follows:

- Area trunk works: gravity sewers of 225mm diameter and greater, smaller diameter gravity sewer that accept discharges from pressure mains, pump stations, pressure mains, power supply, overflow works, control and alarm systems and the like required for the collection of sewage within a sewerage area.
- Trunk sewer works: gravity sewers, pump stations, pressure mains, power supply, overflow works, control and alarm systems, buildings, equipment and the like required to collect sewage from more than one sewerage area and to convey it to the treatment facilities.
- Treatment and disposal/ reuse works: land acquisition, site access, sewage treatment plants, pumps, ponds, effluent outfalls, communications, power supply, control and alarm systems, buildings, landscaping and the like required to treat raw sewage and the disposal/ reuse of effluent, sludge and screenings.

d) Calculation of contribution rate

The contributed rate is determined in accordance with the location and type of application under consideration. This applies where Council is prepared to make available sewerage to the relevant land, the applicant shall pay the Council:-

- a contribution towards the cost of sewerage connection where the amount of such contribution shall be determined in accordance with the requirements of this Policy;
- the cost of sewerage works external where the amount such cost shall be determined in accordance with the requirements of this Policy; and
- the cost of sewerage works internal where the amount of such cost shall be determined in accordance with the requirements of this Policy.

Contributions

Contributions shall be determined in accordance with the location and type of application under consideration, as specified hereinafter:

Service Demand Increase (SDI)

For all SDI proposed the contributions shall be calculated as specified hereinafter.

The sewerage contributions shall be calculated in accordance with the following formula:-

Sewerage Contribution = Service Demand Increase_x Equivalent Tenement

The number of equivalent tenements for development application under consideration shall be assessed in accordance with Appendix 1 – Equivalent Demand Ratios.

External works

Where the Council requires an applicant to undertake works, pay the cost or to contribute towards the cost of works external (for example for a development located outside the service precinct), then the Council shall specify the exact extent of such works, and determine an amount of contribution which shall be reasonable in the opinion of the Council having regard to the reasonably foreseeable extent of usage of the works concerned that would result from approval of the applicant's development.

The sewerage works external contribution shall be equal to that portion of the cost, estimated by the Council, of the specified works external which in the opinion of the Council is attributable to works required for the purpose of connecting the applicant's development to the Council's sewerage network.

External works costs shall be additional to any charges payable under trunk sewerage infrastructure contributions.

Internal works

Where required as a condition of approval of a development the applicant shall provide for the construction of all sewerage works internal at the expense of the applicant, and shall enter into an agreement with the Council in respect of such works.

e) Schedules/ maps

The areas to which the sewerage infrastructure contributions apply is shown on the sewerage precinct plans S1 to S2.

The infrastructure contributions apply in the precinct contained in the Council's annual budget 'Schedule of Charges'. The contributions may be subject to an annual increase taking into account:

- changes in the value of works due to increases in material costs and plant and labour charges.
- changes in land values.

f) Supporting information

Johnstone Shire Council Policy for Determination of Augmentation Fees, July 1991.

4. Storm water infrastructure contributions (Innisfail Estate only)

a) Objective of policy

Council's objective for storm water infrastructure is to:

- collect and convey storm water from the catchment to the Johnstone River;
- limit flooding of public and private property within the catchment and downstream.

b) Desired standard of service

Storm water infrastructure management standards are based on an assessment of the ultimate development of the catchment, and the works required to provide for increased run-off and other effects arising from that development.

The proposed storm water drainage infrastructure is largely designed for the 50 year ARI design event however some elements are sized for alternative ARIs .

c) Infrastructure items

The storm water infrastructure items that will attract an infrastructure contribution can be described as follows:

- land acquisition and site access;
- construction of a detention basin;
- widening of Carello's Drain;
- provision of additional culverts and tide gate;

- Aluart Road works including replacement and realignment of existing pipes under road, construction of new pipes under road and trunk drainage on the northern side of road;
- construction of levee along the Johnstone River.

d) Calculation of contribution rate

The infrastructure contribution for each area are established on the following basis:

$$\text{Infrastructure Contribution} = \frac{\text{Cost of Infrastructure}}{\text{Ultimate Population (ETs)}}$$

The payment is levied on an "equivalent tenement" (ET) basis. The ET for each land use is contained in Appendix 1 – Equivalent Demand Ratios.

e) Schedules/ maps

The areas to which the storm water infrastructure contributions apply is shown on the storm water plans SW1.

The infrastructure contributions apply in the precinct contained in the Council's annual budget 'Schedule of Charges'. The contributions may be subject to an annual increase taking into account:

- changes in the value of works due to increases in material costs and plant and labour charges.
- changes in land values.

f) Supporting information

Innisfail Estate Master Drainage Plan; Gutteridge Haskins and Davey Pty Ltd, June 1998.

Flooding, Drainage and Tidal Flow – Johnstone Shire Council ats Carello, Lawson and Treloar Pty Ltd, January 2003.

5. Public recreation infrastructure contributions

a) Objective of policy

Council's objective for public recreational infrastructure in Innisfail, Mission Beach, Village, Rural Residential and Industry Zones is to:

- ensure that sufficient, conveniently located and accessible parks, sport and recreational facilities are provided at a suitable quality to serve the existing and future needs of communities in each precinct.
- ensure that a diverse range of public recreation facilities are provide at the local and regional level.
- ensure public recreation land is acquired and developed in line with increases in demand

b) Desired standard of service

For the purpose of infrastructure provision Council's desired standard of service for the provision of public recreation in the shire is:

- provision of locally accessible, park, recreational and sporting opportunities within 500 metres of any residence in Innisfail, Mission Beach and Village Zones Residential Precincts.
- provision of regional recreational and sporting opportunities within 3km of any residence in the Innisfail, Mission Beach and Village Zones Residential Precincts.
- ensure that there is land accessible, of suitable quality and integrated with the residential and open space networks with provision of pedestrian and cycle access.
- land provided for park, recreational and sport is not constrained.

c) Infrastructure items

The public recreational infrastructure provision is based on the following:

- purchasing costs of land for parks.
- cost of making land acquired suitable including grading and landscaping.
- park upgrading costs (where it is possible to upgrade the capacity of existing parks and doing so is more effective than acquisition of additional land.
- fencing.
- toilets.
- BBQ's and structures.
- play equipment.
- car parking for the facility.

d) Calculation of contribution rate

The infrastructure contribution for each area are established on the following basis:

$$\text{Infrastructure Contribution} = \frac{\text{Cost of Recreational Facilities}}{\text{Ultimate Population (ETs)}}$$

The payment is levied on an "equivalent tenement" (ET) basis. The ET for each land use is contained in Appendix 1 – Equivalent Demand Ratios.

e) Schedules/ maps

The areas to which the public recreational infrastructure contributions apply is all land included in the Innisfail, Mission Beach, Village and Rural Residential Zones as shown on the Planning Scheme Zoning Maps 1a – 1j.

The infrastructure contributions apply in the precinct contained in the Council's annual budget 'Schedule of Charges'. The contributions may be subject to an annual increase taking into account:

- changes in the value of works due to increases in material costs and plant and labour charges.
- changes in land values.

6. Bike lane/ shared path and facilities infrastructure contributions

a) Objective of policy

Council's objective for bike lane/ shared path and facilities infrastructure in Innisfail and Mission Beach is to provide a network of bike/ pedestrian infrastructure that is safe and conveniently located for users.

b) Desired standard of service

For the purpose of infrastructure provision Council's desired standard of service for the provision of bike lane/ shared path and facilities infrastructure in the shire is to provide infrastructure that is safe and conveniently located for users between trip generators and receivers and end of trip facilities.

c) Infrastructure items

The bike lane/ shared path and facilities infrastructure provision is based on the following:

- purchasing costs of land or easements for pedestrian/ bicycle paths.
- constructing of on road and line marking of bicycle lane.
- constructing of off road shared path/ bicycle lane.
- landscaping and fencing.
- end of trip bicycle facilities (eg bike racks).

d) Calculation of contribution rate

The infrastructure contribution for each area are established on the following basis:

$$\text{Infrastructure Contribution} = \frac{\text{Cost of Infrastructure}}{\text{Ultimate Population (ETs)}}$$

The payment is levied on an "equivalent tenement" (ET) basis. The ET for each land use is contained in Appendix 1 – Equivalent Demand Ratios.

e) Schedules/ maps

The areas to which the bike lane/ shared path and facilities infrastructure contributions apply is all land included in the Innisfail, Mission Beach, Village and Rural Residential Zones as shown on the Planning Scheme Zoning Maps 1a – 1j.

The infrastructure contributions apply in the precinct contained in the Council's annual budget 'Schedule of Charges'. The contributions may be subject to an annual increase taking into account:

- changes in the value of works due to increases in material costs and plant and labour charges.
- changes in land values.

f) Supporting information

Johnstone Shire Council Bike Lane/ Shared Path and Facilities Plan.

7. Car parking infrastructure contributions

a) Objective of policy

Council's objective for car parking infrastructure in Innisfail Central Business Precinct is to provide an adequate level of car parking service to ensure that these areas remain the retail and commercial focus for the shire through provision conveniently located car parks.

b) Desired standard of service

For the purpose of infrastructure provision Council's desired standard of service for the provision of car parking in the shire is:

Desired Standard of Service for Car Parking in the Shire

Parking location	Measure of Supply	Measurement/ Monitoring
Innisfail Central Business Precinct - (on-street and off-street)	10% of car parking spaces are vacant during 90% of peak periods	10% of car parking spaces are vacant at any time by survey

c) Infrastructure items

The Innisfail Central Business Precinct car parking infrastructure provision is based on the requirements for a facility/ies with car parking of up to 500 vehicles in the Innisfail Central Business Precinct within a fifteen year timeframe.

d) Calculation of contribution rate

The infrastructure contributions have been based on an assessment of the current costs of building the required car parking facility within the above timeframe, taking into account the 2002 balance of funds received from previous contributions.

Infrastructure contributions will apply to an applicant for a development that is granted a variation to Council's onsite car parking requirements in accordance with the provision of the Vehicle Assess, Parking and Loading Code.

e) Schedules/ maps

The areas to which the car parking infrastructure contributions apply is the Innisfail Central Business Precinct as shown on Planning Scheme Map 3 Innisfail Precinct Plan.

The infrastructure contributions apply in the precinct contained in the Council's annual budget 'Schedule of Charges'. The contributions may be subject to an annual increase taking into account:

- changes in the value of works due to increases in material costs and plant and labour charges.
- changes in land values.

8. Application of infrastructure contributions

a) Liability

Proponents of development which results in a net increase in service demand are liable for the infrastructure contribution identified in sections 2 to 7 of this policy.

a) Notice of infrastructure contribution

Where a development will result in a net increase in service demand and a condition has been applied to the approval/permit requiring an Infrastructure Contribution the condition will be included within the Decision Notice and will indicate:

- (a) the amount of the Contribution
- (b) when the payment must be made
- (c) the infrastructure necessary to service the premise before the use starts
- (d) to whom the charge must be paid

c) Time for payment

The timing for payment identified on the notice / condition will depend on the nature of the proposed development and its infrastructure requirements. Generally where infrastructure is necessary to service the land or premises is available the time for payment will be:

- For Reconfiguration of a Lot.
Prior to signing and dating by Council of any Plan of Survey
- For a Material Change of Use.
Prior to the issue of a Development permit for Building works or if no building works are involved prior to the commencement of the use

Where infrastructure for which the Infrastructure Contribution is applied is necessary to service the land prior to the commencement of the use and the infrastructure is not yet available the time for payment will be:

- For Reconfiguration of a Lot
Prior to the works for the reconfiguration commencing
- For a Material change of Use

Prior to the issue of a Development Permit for Building Works or if no building works are involved prior to the commencement of use

Alternatively the payment may be deferred for a maximum period of two (2) years from the date of signing and dating by Council of any Plan of Survey or issue of a Development permit for Building works or if no building works are involved prior to the commencement of the use. This is provided that the contribution/s is secured by an unconditional bank guarantee received by Council prior to the above action. The bank guarantee must be 110% of the value of the deferred contribution/s.

The contributions must be paid at the rate applicable at the time they are actually paid. The Contributions must be paid to Council within two (2) years of the above action or within 5 business days of settlement of sale of the *allotment*.

d) Register of infrastructure contributions

Council will maintain a Register of Infrastructure Contributions which records the Infrastructure Contributions collected, and attributes these to specific infrastructure items.

The register shall record the number of demand units for which Infrastructure Contributions have been received for each allotment in the City. The demand units shall be allocated amongst the individual allotments on the following basis. Where service demand for the proposed use has been used to determine the amount of the charges, the total net increase in service demand (measured in demand units) attributed to development of the subject land shall be apportioned between the allotments comprising the subject land based on the share of demand attributed to the use on each allotment.

e) Use of infrastructure contributions collected

Infrastructure Contributions collected by Council shall be receipted to the Infrastructure Contributions Constrained Works Reserve. Monies shall be transferred from the Reserve to the Operating Fund when infrastructure items are constructed.

Infrastructure Contributions collected by Council for existing infrastructure shall be credited to the Operating Fund and transferred either:

- a) to retire debt established to finance the existing infrastructure for which charges have been collected; or
- b) to the Infrastructure Contributions Constrained Works Reserve where this was used to finance infrastructure for which the total amount had not yet been collected; or
- c) where 1 or 2 are not relevant (ie recovery of costs expended for existing infrastructure which services the proposed development) to the Future Asset Acquisition Reserve as a source of funds for the provision of future infrastructure and other capital assets.

Council will, as necessary, utilise the accumulated collected Infrastructure Contributions and other capital assets.

By using the Infrastructure Contributions Council is in effect borrowing from itself and addressing potential cash flow constraints which might otherwise limit Council's capacity to provide infrastructure in a timely fashion.

f) Review of this policy

A review of this TICIP and Infrastructure Planning will be conducted at least every 2 years. The review will take into account the following:

- updated or new planning studies
- works completed
- proposed new works
- inclusion of development infrastructure for which Infrastructure Contributions have been paid but not included in the Plans
- revision to the works programme and the financial programme
- other Council policies and decisions of Council
- Legislative changes
- other relevant matters

g) Alternatives to paying infrastructure contributions

Subject to Council's discretion and with prior written agreement from Council a person liable for a Infrastructure Contributions may dedicate land and / or carry out construction of works intended to be funded by Infrastructure Contributions.

The equivalent of such land dedication and / or works (measured in terms of service demand units) shall be "credited" against the relevant Infrastructure Contributions obligation.

The equivalent value of the works will include only those works identified in the Supporting Information to the Policy and constructed in accordance with Council's required standards. Works to a higher standard or works not included in Council's Infrastructure planning will not be included in the equivalent value for the purposes of establishing credits against an Infrastructure Contributions obligation.

These 'credits' for works or land dedication shall be applied at the time when the Infrastructure Contributions are due.

Where the equivalent value of the land or works (measured in terms of service demand units) exceeds the relevant Infrastructure Contributions obligation for the entire development Council will refund the value of the works in excess of the obligation as part of an Infrastructure Agreement.

The value of dedicated land/or works (measured in terms of equivalent service demand units) and the standard of any works to be undertaken and credited against the relevant Infrastructure Contribution obligation shall be determined by Council.

h) Provision of infrastructure items

Where a use cannot commence without the provision of particular development infrastructure, that development infrastructure will be provided before the use starts (in accordance with the Integrated Planning Act). In other cases infrastructure items to be funded by Infrastructure Contributions will be provided having regard to need, development thresholds and financing.

Council in its infrastructure planning will endeavour to ensure that infrastructure is supplied reasonably co-incident with demand at locations and of a capacity in areas where demand is likely to significantly lag supply.

Council may choose not to provide a particular item of nominated infrastructure provided the alternative arrangements achieve the same standard of service and satisfy the goals and objectives of Council's infrastructure planning.

i) Infrastructure agreements

Notwithstanding the provisions of this Plan Council may enter into a written agreement with an applicant for a development to which a requirement for Infrastructure Contributions has been applied as a condition to an approval / permit or any other person for the purposes of:

- Varying the time of payment
- Varying the time for supply of the infrastructure item
- Agreeing that the charge
- Agreeing that the charge is a debt owed by an applicant in lieu of a rate applying to the land
- Funding a development infrastructure item other than by an Infrastructure Contribution
- Supplying a development infrastructure item to a different standard
- Supplying development infrastructure that is not identified in the Infrastructure Contributions Policy
- Supplying infrastructure other than a development infrastructure item
- Supplying development infrastructure identified in the Infrastructure Contributions Policy with a value in excess of the Infrastructure Contributions obligation for the proposed development in exchange for credits against a future Infrastructure Contributions obligation for the development or alternately future payments by Council following its receipt of Infrastructure Contributions from subsequent development
- Refund of the value of land or works provided in excess of the relevant Infrastructure Contribution obligation

APPENDIX 1 – EQUIVALENT DEMAND RATIOS⁴

Equivalent demand ratios

The below table details the equivalent demand ratios for various types of defined development⁵. The table includes a set of 'sub uses' so that the equivalent demand ratio more accurately reflects the demand generated by the proposed use. Equivalent demand ratios for defined land uses not included in this table will be calculated on a case by case basis, based on the likely demand generated by the use.

USE	SUB USES	RATIO
Caravan Park		0.2et per/site
Childcare Centre		0.2et per/15 children
Commercial Activities	Shop/Salon/Real Estate Office/Bank/ Pharmacy/ Bottle Shop	0.1et per 100m ²
	Professional Office	0.2et per 100m ²
	Restaurant/Cafeteria	0.4et per 100m ²
	Fast Food Outlet	0.9et per 100m ²
	Medical Centre	0.2et per 100m ²
Educational Establishment	Kindergarten/ Preschool	0.2et per/15 children
	Primary/Secondary	0.3et per/10 students
	Tertiary	0.3et per/10 students
	Private Tutoring	0.2et per 100m ²
Holiday Accommodation		0.2et per unit or room, plus 0.4et per 100m ² of restaurant and kitchen, plus 0.25et per 100m ² of bar area
Hotel		0.2et per room, plus 0.4et per 100m ² of restaurant and kitchen, plus 0.25et per 100m ² of bar area
Indoor Recreational Facilities	Function Room	0.4et per 100m ²
	Licensed Club	0.5et per 100m ²
Multiple Residential		0.5et per small unit (less than 75m ²); 0.7et per medium unit (between 75m ² and 110m ²); 1et per large unit (greater than 110m ²)
Multiple Rural Occupancy		1et
Retirement/ Supported Residential		0.1 et per person, plus 0.4et per 100m ² of restaurant and kitchen
Single Residential		1et
Short Term Accommodation	Backpacker's Hostel/Dormitory	0.1et per person
Veterinary Facilities		0.2et per 100m ²

⁵ Refer to Schedule 1 – 1.1.1 *Defined land use terms*