

## Extract from Supplementary Submission [P6 to8]

### Table A of the Schedule

**Table A** of the Schedule relates to **Reconfiguring a Lot** and comprises 4 columns and two rows

The first column is labelled "*Use Category*". In this column it identifies a number of spatial named localities within local government area and includes a term - "All zones"

Column 1 of Table A identifies "*Use Category*"

The first row of the *Use Category* identifies

- Harvey Bay
- Barham Head
- Toogoom
- Booral
- River Heads

**all zones** (not uses)

The second row identifies

- |                          | Census 2021 |
|--------------------------|-------------|
| • Maryborough            | Pop 18,558  |
| • Howard                 | Pop 1,394   |
| • Torbanlea              | pop 841     |
| • Tiaro and              | pop 778     |
| • <b>Rural townships</b> |             |

**all zones** (not uses)

Column 3 AC of the Table - *Adopted Charge* displays the value in dollars

It is important however to note that Section 113(2) of PA16 reminds local authorities that the mere adoption of a charge resolution of its self, DOES NOT provide for the levying of that charge.

There are other requirements to be met in this regard.

In a planning context *zones* are used to define areas where certain *uses* are permitted. According to the Queensland government's Department of State Development Infrastructure and Planning "*every piece of land in Queensland is included in a zone*"

On the correct interpretation of Column 1. the statement provided in 1.6 (a) of the Resolution that "*This resolution applies to all of Council's local government area.*" is not correct.

If Schedule 1 is to be applied as drafted the contents of the Resolution apply **only** to all the "zones" in the spatial areas identified in that column.

This then leads us to the next area of contention.

Some of the spatial areas are identified by a 'locality name' (i.e. Toogoom) and easily defined I would say even by a metes and bounds description available through the mapping system of the planning scheme.

However, a significant problem arises in the use of the term *Rural townships*

"*Rural townships*" are not defined **textually** or **spatially** in the Resolution

The Fraser Coast Regional Council area ,according to ID.com.au includes the **localities** of Aldershot, Antigua, Aramara, Bauple, Bauple Forest, Beaver Rock, Beelbi Creek, Bidwill, Boompa, Boonooroo, Boonooroo Plains, Booral, Brooweena, Bunya Creek, Burgowan, Burrum Heads, Burrum River, Burrum Town, Calgoa, Cherwell, Craginsh, Duckinwilla, Doongul, Dundathu, Dundowran, Dundowran Beach, Dunmora, Eli Waters, Eurong, Ferney, Fraser Island, Gigoomgan, Glenbar, Glenorchy, Glenwood (part), Gootchie, Grahams Creek, Granville, Great Sandy Strait, Gunalda (part), Gundiah, Gungaloon, Howard, Island Plantation, Kanigan (part), Kawungan, Maaroom, Magnolia, Malarga, Marodian, Maryborough, Maryborough West, Miva (part), Mount Urah, Mungar, Munna Creek (part), Neerdie (part), Netherby, Nikenbah, North Aramara, Oakhurst, Owanyilla, Pacific Haven, Paterson, Pialba, Pilerwa, Pioneers Rest, Point Vernon, Poona, Prawle, River Heads, Scarness, St Helens, St Mary, Sunshine Acres, Susan River, Takura, Talegalla Weir, Tandora, Teddington, Teebar, The Dimonds, Theebine (part), Thinoomba, Tiaro, Tin Can Bay (part), Tinana, Tinana South, Tinnanbar, Toogoom, Toolara Forest (part), Torbanlea, Torquay, **Tuan**, Tuan Forest (part), Urangan, Urraween, Walkers Point, Walliebum, Walligan, Wondunna, Woocoo, Yengarie and Yerra.

And the **Districts** are:

Booral - River Heads, Burrum Heads, Craginsh - Dundowran (part), Eli Waters, Fraser Island - Great Sandy Strait, Glenwood and District, Granville and Surrounds, Howard - Torbanlea - Pacific Haven District, Kawungan, Maryborough Central - North, Nikenbah - Dundowran (part), Oakhurst - Yengarie and District, Pialba, Point Vernon, Rural West, Scarness, Sunshine Acres - Walligan - Takura District, Tiaro - Bauple and District Tinana and District, Toogoom, Torquay, Urangan, Urraween, Wondunna

**And**

*The Fraser Coast Regional Council area encompasses **rural areas** and growing **rural-residential** and residential areas, with some commercial and industrial land uses. The main urban centres are Hervey Bay and Maryborough, with numerous **smaller townships** and **villages**.<sup>1</sup>*

So, what area constitutes a *Township, Rural Township, Village* or just a *Locality*?

According the Resolution<sup>2</sup>, a term used but not defined in this resolution will, unless the context otherwise requires, have the meaning give to it by (in the following order):

- (a) the Planning Act;
- (b) the Planning Reg;

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<sup>1</sup> <https://profile.id.com.au/fraser-coast/about?>

<sup>2</sup> Charge Resolution 2025 (6.2)

(c) the Planning Scheme;  
(d) the Acts Interpretation Act 1954 (Qld); or  
*Rural Townships* are not defined in any of the (a-d) above  
(e) its ordinary meaning.

**Position 1**

**It is unclear if Tuan constitutes '*Rural Townships* or not.**