

## KEPNOCK RESIDENTS ACTION GROUP – submission to Productivity Commission re Retail Trade – The next Chapter of our Case Study- complementing Submissions DR35 and DR40

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The Queensland Minister has now signed off on the proposed new Town Plan for the Bundaberg Regional Local Government area.

It goes out for public comment, commencing 22<sup>nd</sup>. September, 2014. It closes at 4.45pm on Friday, 28 November, 2014.

When finally adopted the Bundaberg Regional Council Planning Scheme and planning scheme policies will replace the Bundaberg City Plan, 2014, Burnett Shire Planning Scheme 2006, Isis Shire Planning Scheme 2006 and the existing planning scheme policies that support these four (4) existing planning schemes. The proposed Bundaberg Regional Council Planning Scheme policies are available for viewing and download on Council's website at [www.bundaberg.qld.gov.au](http://www.bundaberg.qld.gov.au)

Our 4 year drama against the duopoly, commencing at roughly the same time as the declaration of open war by Woolworths (Masters) against Wesfarmers (Bunnings) – has been waged within the confines of the Bundaberg City Plan, adopted by the Bundaberg City Council in February, 2004, and a new Council approved Housing Estate – The ***Kepnock Gardens Estate*** – opened by the then Mayor on 19 August, 2005. It was advertised as “*Bundaberg's leading affordable, prestige family estate*”. Some 14 of the proposed 255 residential lots were pre-sold against the Master Plan. This is covered on page 10 of our Submission DR35 to the Productivity Commission.

Affected residents, the business community, the environmental movement and the broader community now have 2 months to assess, consult and communicate within their areas on the impact of the proposed changes and provide submissions for consideration by Council within the statutory time frame. These submissions will (*or should*) advise decision-makers as to the content of the finally adopted Regional Council Plan 2014. This will govern all developments within the catchment for the next 10/20 years.

Our group response to the proposed new Town Plan will be made within the required time frame, but our initial response is covered on our Facebook page:

- Facebook.com/Kepnock residents action group

The history of our battle against the manipulation of planning laws, zones and communities is contained in three separate submissions as here-under:-

- <http://www.pc.gov.au/projects/study/business-costs/retail-trade/submissions>

We are appalled at the arrogance of a Council and a State Government that would so blatantly convert the financial goals of the City's most powerful developer, and the goals of the duopoly in their national commercial war into the proposed formal town plan servicing the region and dictating financial investment for the next 20 years.

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This submission complements our previous submissions and compares the history and planning applications of the land-owners for their 25h low density residential “A” precinct in the suburb of Kepnock – the eastern growth corridor of the City.

Our community- both business and residential - invested in this region based on the existing 30 year residential zoning. The Council’s verbal commitment at the time was there would, probably, be a small local neighbour-hood shopping centre to service the growing region – into the future. This was consistent with the developer’s planning – at the time – (2006-2009), and the community did not object to ALDI being the anchor tenant for that proposed local neighbourhood shopping centre. This needs to be remembered in comparing the history – what has transpired since - and what is now the proposed Town Plan for the next 10/20 years.

The duopoly war in the Home Hardware DIY market hit Australia around 2009. Known, then as the “Oxygen Proposal” – Woolworths declared war on Coles –( Bunnings) to take-over the existing market dominance of Bunnings – with a bold plan of 150 new “Masters” hardware stores throughout Australia in a very short time frame. Due to significant losses by the Masters group within the Woolworths stable of investments – Masters have not met their market targets – with growing financial losses for their parent company – Woolworths.

Public comment within the financial markets has pin-pointed site selection as a key flaw in the Woolworths fight for market domination – not market share – of the lucrative DIY market in Australia.

Our local war – in the Bundaberg theatre of this national commercial war by the duopoly – epitomises this poor site selection flaw. The local developer is the City’s most powerful – with significant land holdings in all areas of the City – except the north.

Although there is an over-supply of available, flood free commercial land for a Masters store – even to the East – if need be, the war has been fought, solely within the two parcels of land owned by the Santalucia Family group of companies. This is despite the site constraints of abutting a protected Council environmental park and wetlands and a State and local road network and infrastructure that has been based on urban low density – mainly single storey residential- development into the future.

The State Government choice for the route of their Ring Road – not *around* the projected growth area – as requested by the then Council - but *through* it, provided a commercial opportunity for certain developers to make windfall gains.

The Santalucia family owns the residential land at the junction of that Ring Road with FE Walker Street, which is the Main Road link from the Coast to the City. They also own land near the southern link, where the Ring Road leaves the Highway to link (not go around) the growth area to the Coast.

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Copies of those land holdings are held by our group but, are not provided out of respect for the financial objectives of that developer. Land development is a business, which we respect. But there are Rules- which apply to us all. We expect those rules to be followed by all, and not to be manipulated for windfall gains for the developer at significant loss of investment for the defenceless residents, local communities and future local jobs for our building contractors.

The local zoning and planning war is about a hardware store and future shopping centre to establish the duopoly – Coles one side, Woolworths the other – in the middle of a low density residential zone, despite the availability of alternative commercial sites. Those alternative sites (to the East) do not have the necessary infrastructure. The west has a well serviced large Retail Bulky Goods Precinct with appropriate zoning, infrastructure and road network – but Masters don't want to go there. They have set their sights on our serviced residential land. Its urban residential infrastructure is financially preferable to other options in the east –because they are not serviced. So decision-makers deem it acceptable for the developer to choose what is more financially profitable for him, and this is more important than the significant financial, environmental and amenity loss to earlier investors - in that region.

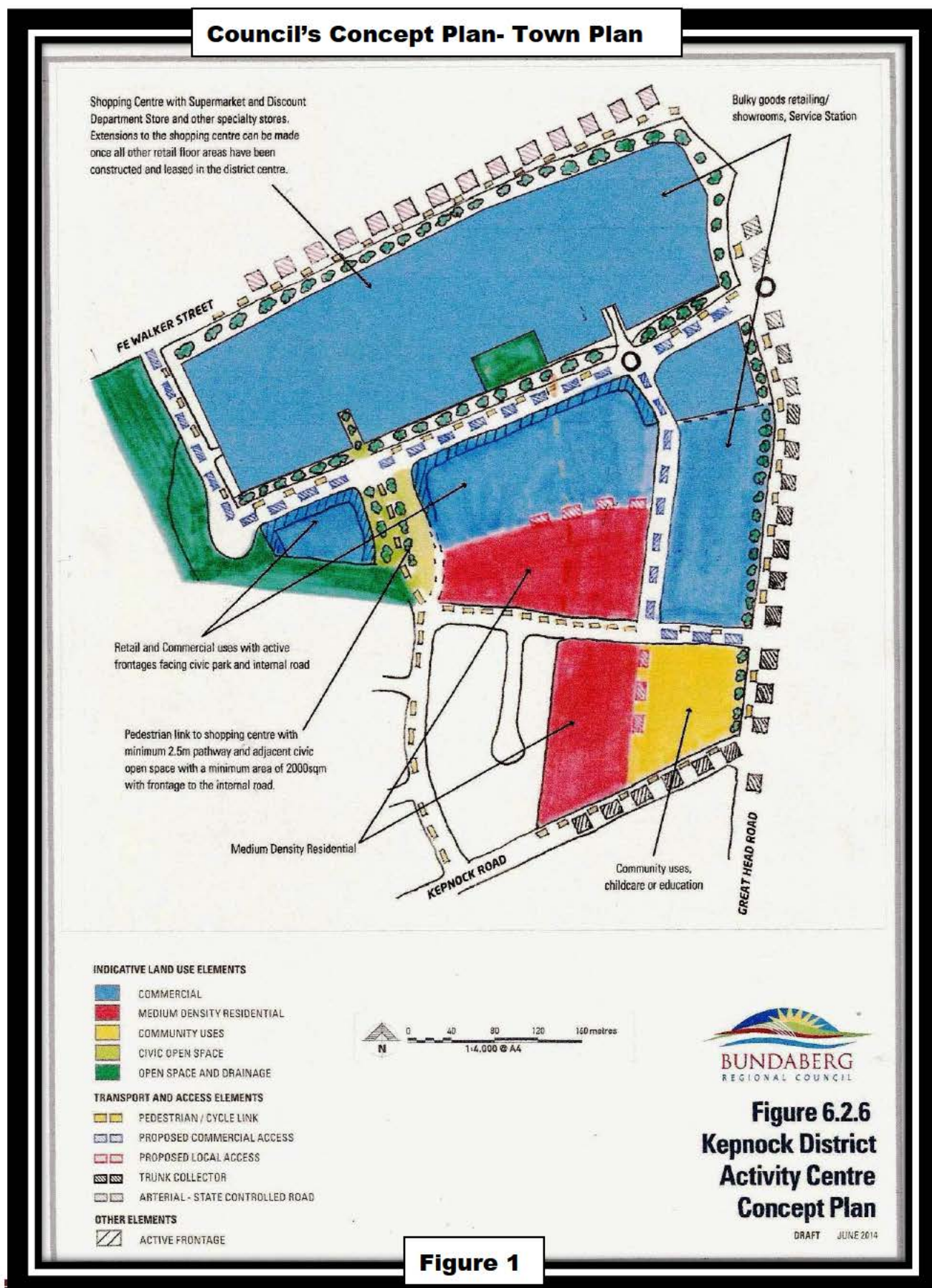
But, when all else fails – you use Ministerial call-in powers and then – to ensure there is no repeat of residential protest – you simply change the Town Plan to guarantee future commercial success.

The battle-lines of this national war now shift from the approval of a Master store – used as the “carrot” in an intense media/duopoly/Council war – to the new battle-grounds of changing the Town Plan to accommodate the financial goals of the developer, the duopoly, and the Council – especially the divisional representation to the East. This will deny the residents, small business in the area, those in the nearby major shopping centre of Hinkler Place – ( 4 minutes away) - and the environmental movement- of any opportunity for input into future development applications. That will satisfy duopoly and developer goals.

We are appalled that the proposed new Town Plan simply reflects the current – and previous development applications by the Santalucia family developers and Masters(Woolworths) The goals of the developer and the duopoly are now – pictorially provided as a formal part of the proposed new Town Plan , being **Figure 6.2.6 – Kepnock District Activity Centre Concept Plan**. It is more fully explained on our Facebook page, but repeated here – to enable appropriate consideration by the Commission in their study of planning and zoning laws relating to the retail trade in Australia.



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**KRAG – Annotated copy**




**Figure 2**



**KEPNOCK RESIDENTS ACTION GROUP – submission to  
Productivity Commission re Retail Trade – The next Chapter of  
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**Ministerially approved Masters Plan**



*The precinct is now fully commercial with a “token” allowance of “medium residential” up against some – not all of the homes. Due to Ministerial intervention – and the process is questionable – residents could not protect low density residential “A” – They’d have little chance of protecting medium density in the new Town Plan*

**Compare this with the Town Plan concept – So similar it’s scary**

Full Site Plan

Masters Home Improvement

MASTERS HOME IMPROVEMENT  
SREATHEAD ROAD BUNDABERG QLD

**In public statements – now on file – the Minister confirmed that his approval of Masters(2) was “the catalyst for further developments that would establish a commercial/retail precinct on this site.”**

The Masters(2) site links to the proposed shopping centre – a development application by the associated Santalucia family company. This has been before Council – with 2 rounds of public notification – since February, 2012. It is well documented in earlier submissions.

The shopping centre proposal requires the “loan” of Council’s Kepnock Drain- a huge drainage system of some 47.9 hectares, with 3 massive drainage systems that meet behind the State School to the South, pass under FE Walker Street using 3 separate culverts – one of which is the drainage system to the west of the Masters site – known as the “western culvert”. The Ministerial approval states that this “western culvert” must remain a drainage easement, unless “Council resolves in the future to change its use”. Common sense and history would suggest that all Woolworths have to do is lob a suspended concrete slab over the top – and you have an additional Woolworths business to complement Masters. The Kepnock Drain is to provide the entrance for the shopping centre’s proposed 1200 cars)



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The environmental issues have been summarily dismissed by both the Minister and the Council.



Hon Jeff Seeney MP

Deputy Premier

Minister for State Development, Infrastructure and Planning

Our ref: MC13/4186  
MW201113

10 DEC 2013

Ms Mary Walsh OAM  
Kepnock Residents Action Group  
24 Scherer Boulevard  
KEPNOCK QLD 4670

Dear Ms Walsh

Thank you for your letter of 15 November 2013 to the Honourable Jeff Seeney MP, Deputy Premier, Minister for State Development, Infrastructure and Planning, about Bundaberg Regional Council's draft planning scheme and development near Baldwin Swamp, Kepnock. The Deputy Premier has asked that I respond on his behalf.

The Queensland Government established a new approach to state planning policies that simplifies and clarifies state interests by releasing a new State Planning Policy (SPP) on 2 December 2013. The SPP includes a state interest for biodiversity which Bundaberg Regional Council will be required to appropriately reflect in the draft planning scheme or development will be subject to the interim development assessment provisions also included in the SPP. Mapping associated with the SPP identifies part of Baldwin Swamp as containing matters of state environmental significance. The SPP, and its associated mapping, is available on the Department of State Development, Infrastructure and Planning (DSDIP)'s website at [www.dsdip.qld.gov.au](http://www.dsdip.qld.gov.au).

The Bundaberg Regional Council planning scheme will have a public notification period where you and your organisation can make your views known. You should continue to use this avenue if you feel there are matters in the scheme that are of concern to you.

If you require any further information, Michelle Riley, Manager, Regional Services, Department of State Development, Infrastructure and Planning, will assist and can be contacted on (07) 4151 9577.

Yours sincerely

A handwritten signature in black ink, appearing to be "JA", written over a horizontal line.

**deleted**

Office of The Hon Jeff Seeney MP  
Deputy Premier  
Minister for State Development, Infrastructure and Planning

Level 12 Executive Building  
100 George St Brisbane  
PO Box 15009 City East

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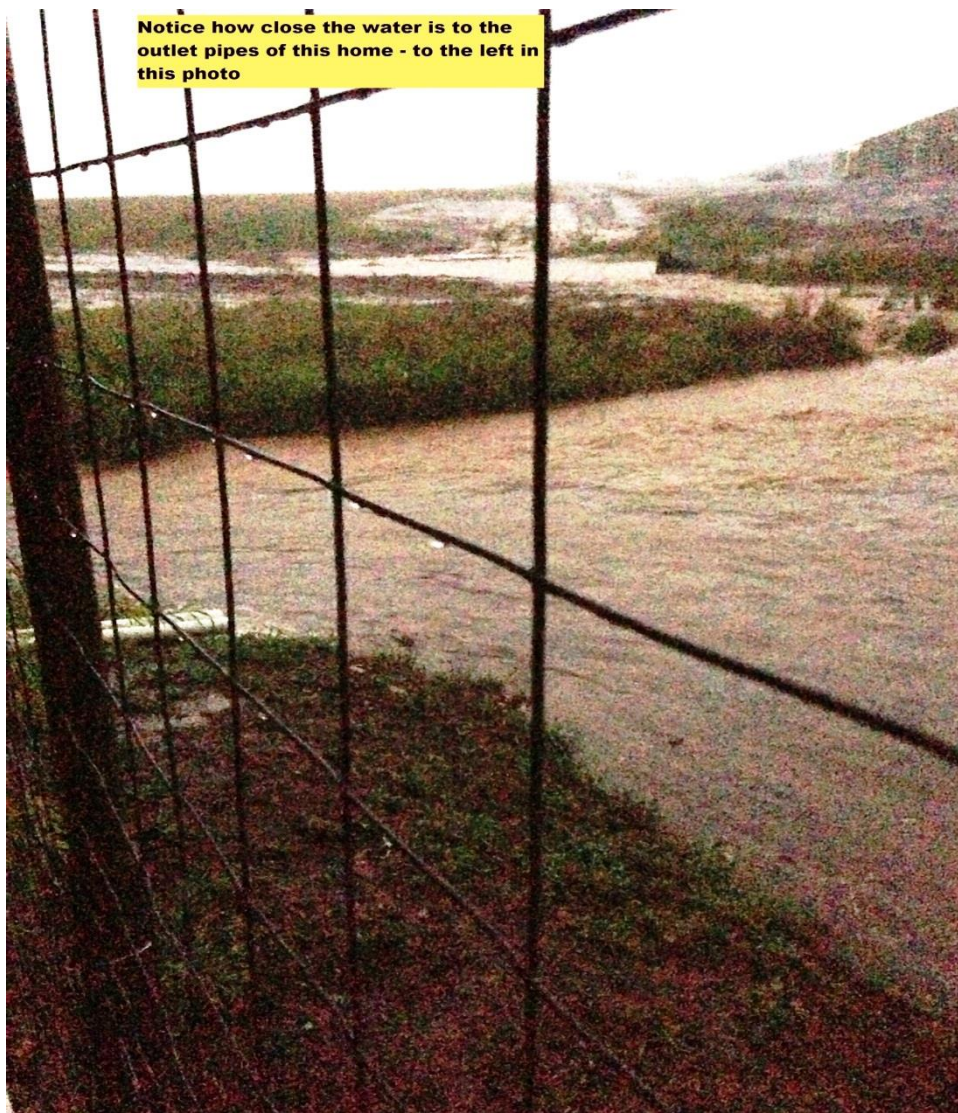
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In Council's approval of Masters(2) the Baldwin Wetlands were dismissed with a statement that "there were no areas of natural importance abutting the site". This is despite the fact that the eastern entrance to the wetlands is across the road – 50 metres.

The Minister also ignores the environmental damage caused by the increased run-off created by commercial development as opposed to residential development. An increase of 45% . Also this level of huge commercial development run-off contains untreated pollutants when such run-off exceeds detention capacity.

### Additionally:-

- Masters(2) has a bio-retention basin on site – If local run-off – because it is at the bottom of the topographical "basin" – is over the capacity of this basin – it simply diverts – goes under the road into the Ring Road detention basin. It will be untreated and then directed to the wetlands.
- The Overpass bridge over the Ring Road is called the "Wedge-Leaf Tuckeroo Bridge" because of the protected flora that is directly underneath and around it
- Masters(2) and the shopping centre sit above the regional aquifer – which has a history of salt intrusion





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The previous photo is near where the 3 drainage systems meet on the Kepnock Drain. This is the first of the many homes on the western side of that drain. They have never experienced run-off like this. It results from a run-off of 5 inches in 75 minutes so is in excess of the 1% AEP on 17 November, 2013.

- None of the (now) 24 new homes in the residential component of the development of the shopping centre land were built at the time.
- As the residential development nears completion the eastern wall of that drain has increased by 2 metres – with no compensating increase to the west – which abuts the homes. Council did not impose ANY requirements for post development flows to be required to meet pre-development flows – so there are **NO** detention requirements with that approval – despite the complaints from our residents. This cannot, now, be addressed retrospectively. The development was code assessable – so residents were not allowed any input.

Both the Council and the Minister have been made fully aware of all these issues over the past 4 years. Our concerns have been continually ignored. Residents, it seems, are not as important as the duopoly, political image and big business.

The Minister's correspondence advises us to have input during the Town Plan Consultation process. Doesn't give you a lot of confidence when he has removed your democratic right for legal appeal and, also, he has signed off on the Master(2) approval while providing his public support for the future approval of the shopping centre.

His approval of Masters and public support for the shopping centre ensure that:-

1. The financial goals of the duopoly, the political image of Council and the Government, are met
2. The residents are not able to delay "progress" and
3. The local jobs for local tradies on the best residential land in the region are denied

The proposed new Town Plan, with its Kepnock District Activity (*Commercial*) Concept Plan, changes a large low density residential A precinct to a replica of the demands of the duopoly, the Council and a powerful developer. It will ensure that adversely affected residents, small local business, local contractors and balanced, environmental advocates will have no voice.

The battle lines of the Bundaberg theatre of the national duopoly war have been manipulated by the Government, the Council and a strong media campaign that vilifies those who would voice any objection that "delays progress" – even though there are alternative, commercial sites available.

The adoption of this Town Plan, with THIS Kepnock Concept Plan ensures that everyone **EXCEPT** the local, and adversely affected, community, the environment, and local small business gets **THEIR** way.

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Once again the little people of Australia have to fight the commercial “bullies”. That’s a big ask after 4 years of “hard slog” – already. Somewhere, somehow, some time – someone – should be held accountable but, to date...

– it’s No-One .....and the battle continues

The precinct is in a flood hazard zone – but the developers do not have to do anything about flood mitigation – because they are not residential – even though their impacts will affect both residents and the environment



The Government and the Council endorse – by their approvals and the proposed new plan – that recent disastrous floods are best “forgotten”. A huge built environment in a flood hazard zone – that could easily be built in flood free, commercial areas- won’t flood *because they are above the flood level*. But this zone receives impact from both riverine defined flood events and local defined flood events.

You don’t need to be an hydrologist to know that in such an event large physical structures displace water – and in this case it will be displaced to homes in the west and along the borders of the wetlands.

And that will be an accepted philosophy sealed into the proposed Town and Kepnock District Activity Concept Plans – if our future attempts to have a smaller local neighbourhood commercial precinct no further south than the ALDI and no further west than the Kepnock Drain - continue to be thwarted. Both of these suggested boundaries should be appropriately buffered for more homes and protection of the environment. Neither the Minister nor the Council are prepared to consider our compromise – while the developer treats this alternative concept with contempt.



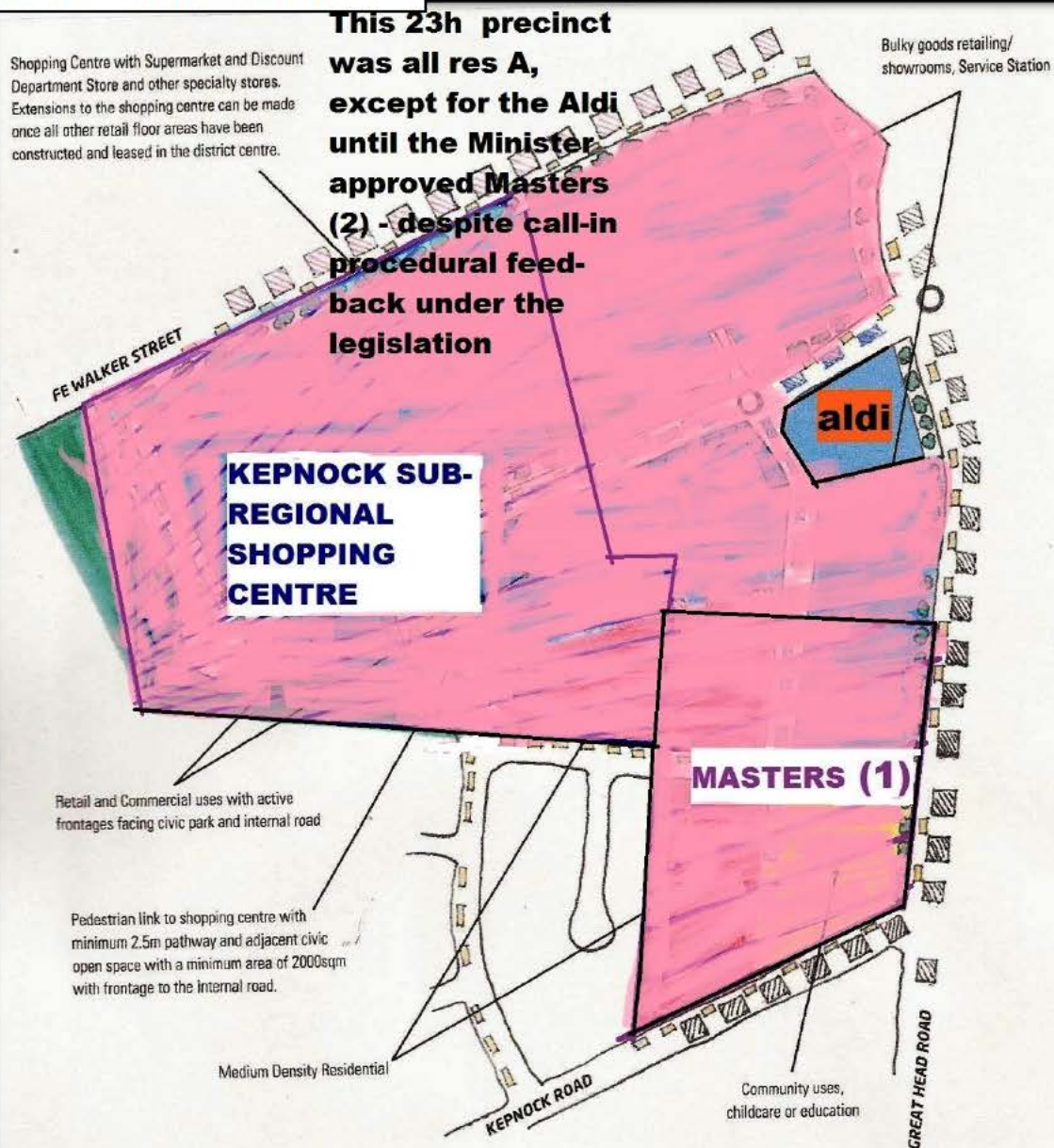
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Whilever the impacts affect those too afraid to speak out – too self-interested to speak out and the Government and Council aid and abet the commercial giants in destroying business and liveable communities then nothing will change into the future. This media article says it all

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**KRAG – historical facts**



**Masters(1) had all the loading -unloading using one service road pushed up against all the new homes**

**INDICATIVE LAND USE ELEMENTS**

- COMMERCIAL
- MEDIUM DENSITY RESIDENTIAL
- COMMUNITY USES
- CIVIC OPEN SPACE
- OPEN SPACE AND DRAINAGE

**TRANSPORT AND ACCESS ELEMENTS**

- PEDESTRIAN / CYCLE LINK
- PROPOSED COMMERCIAL ACCESS
- PROPOSED LOCAL ACCESS
- TRUNK COLLECTOR
- ARTERIAL - STATE CONTROLLED ROAD

**OTHER ELEMENTS**

- ACTIVE FRONTAGE

**There was only one way in and out - using Greathead Road, with an internal round-about for expansion down to the ALDI. A 6m acoustic fence was to separate it from the homes.**



**Figure 6.2.6  
Kepnock District  
Activity Centre  
Concept Plan**

DRAFT JUNE 2014

**Figure 3**