



13.6 DISPOSAL OF ASSET - SHED FOR REMOVAL - 6 MACALISTER STREET, MURGON

File Number: 15-07-2020

Author: Senior Lease and Property Management Officer

Authoriser: Chief Executive Officer

PRECIS

Proposed disposal of asset – shed for removal from the old Murgon Depot – Lot 61 on RP48890 – 6 Macalister Street, Murgon.

SUMMARY

Council owns a timber framed weatherboard shed at the old Murgon Depot – Lot 61 on RP48890 – 6 Macalister Street, Murgon. Council's asset condition assessment identified that the shed is in poor conditions and should be demolished. The shed will be offered for removal to the public by way of tender.

OFFICER'S RECOMMENDATION

That Council dispose of the shed, a valuable non-current asset, located at 41 Macalister Street, Murgon, in accordance with Section 227 of the *Local Government Regulation 2012* by way of tender for removal.

FINANCIAL AND RESOURCE IMPLICATIONS

Disposal of the shed will reduce the asset building portfolio, asset depreciation, ongoing maintenance and capital improvement costs.

LINK TO CORPORATE/OPERATIONAL PLAN

EXC1 Effective financial management

EXC1.1 - Ensure Council's financial management planning is based on realistic, sustainable, equitable policies and practices

INF1 Infrastructure that meets our communities needs

INF1.3 - Provide and maintain other Council owned infrastructure to meet community needs in accordance with asset management practices

COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)

Council's Manager Property is liaising across Council to ensure all items stored at the shed are removed prior to sale.

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

Sale of surplus assets will be in accordance with requirements under the *Local Government Regulation 2012* Section s227.

POLICY/LOCAL LAW DELEGATION IMPLICATIONS

No policy implications

ASSET MANAGEMENT IMPLICATIONS

Sale of the house is in accordance with the Asset Management Plan and will reduce ongoing costs of holding an aging building asset.

REPORT

The shed on the Murgon Depot Farm is an old Timber Framed weatherboard structure on timber stumps with a corrugated iron roof. The shed has an area of approximately 38 square metres and is divided by an internal corrugated iron wall.

Council's building conditions assessment rates the building in poor condition, estimated that the replacement/repair cost to be \$40,000 and recommends demolition. The report identifies that the left side wall has detached from the building and warped in the lower half of the wall. Most internal timbers are in good condition however, some timbers are warped or broken, and the roof iron has some rust spots. Some of the floor boards are missing and no longer can be used as a storage shed.

Due to the historical character of the shed, a tender for removal is determined to be the best option for disposal as local businesses or the community may prefer to relocate the shed to complement their business or community organisation's facilities.

ATTACHMENTS

Nil

13.7 CHANGE TO 2020/2021 FEES AND CHARGES - BOONDOOMA DAM AND BJELKE-PETERSEN RECREATIONAL PARKS

File Number: 15-07-2020

Author: Senior Recreation and Services Officer

Authoriser: Chief Executive Officer

PRECIS

Change to 2020/2021 Fees and Charges – Boondooma Dam and Bjelke-Petersen Recreational Parks

SUMMARY

Proposed change to the Council’s 2020/2021 Fees and Charges to standardise fees and charges across both parks.

OFFICER’S RECOMMENDATION

That That Council approve the proposed fees and charges for accommodation at Boondooma Dam and Bjelke-Petersen Recreational Parks.

Boondooma Dam and Recreation Park		Per Night OFF PEAK	Per Night PEAK
<u>Accommodation</u>			
Cabins (5) Maximum 5 Persons - All Linen Provided			
Self-Contained - Sleeps up to 5 - with TV (1 Queen Bed + 2 Single Bunk Beds + 1 Single Pull Out Trundle Bed)			
Per Night (Up to 2 Persons)	/night	\$ 110.00	\$ 120.00
Extra Adult	/night	\$ 12.00	\$ 12.00
Extra Child	/night	\$ 6.00	\$ 6.00
Villas (3) Maximum 7 Persons - All Linen Provided			
Self-Contained - Sleeps up to 7 - with Air-Conditioning, DVD Player and Large TV (1 Queen Bed + 1 Single and Double Bunk Beds + 1 Double Pull Out Lounge)			
Per Night (Up to 2 Persons)	/night	\$ 140.00	\$ 154.00
Extra Adult	/night	\$ 12.00	\$ 12.00
Extra Child	/night	\$ 6.00	\$ 6.00
Powered Sites - Max 8 Persons per site			
<i>Terraces Caravan Park (20 Sites)</i>			
Powered Sites - Up to 2 Persons	/night	\$ 35.00	Not Applicable
Powered Sites - Extra Adult (12 Years and Above)	/night	\$ 12.00	Not Applicable
Powered Sites - Extra Child (Under 12 Years)	/night	\$ 6.00	Not Applicable
(Children Under 2 Years - No Charge)			
<i>The Lookout Caravan Park (22 Sites)</i>			
Powered Sites - Up to 2 Persons	/night	\$ 33.00	Not Applicable
Powered Sites - Extra Adult (12 Years and Above)	/night	\$ 12.00	Not Applicable
Powered Sites - Extra Child (Under 12 Years)	/night	\$ 6.00	Not Applicable
(Children Under 2 Years - No Charge)			

Unpowered Sites - Max 8 person per site			
<i>Unpowered Camping</i>			
Unpowered Sites - 1 Person Only	/night	\$ 12.00	Per Adult
Unpowered Sites - Up to 2 Persons	/night	N/A	Not Applicable
Unpowered Sites - Extra Adult (12 Years and Above)	/night	N/A	Not Applicable
Unpowered Sites - Extra Child (Under 12 Years) (Children Under 2 Years - No Charge)	/night	\$ 6.00	Per Child U12
Deposits			
Peak Period - 50% - at time of booking, Full payment 30days prior to arrival			
Off Peak - 25% - at time of booking, Full payment 7 days prior to arrival			
Long Term stay - > 1 month 10% at time of booking, payment week by week			
Bunk House			
Bunk House - 8 Rooms - Maximum 4 Persons Per Room (Complex - Maximum 32 Persons) - All Linen Provided			
Per Bed (Dorm Style/Shared) - Maximum 4 Persons Per Room	/night	\$ 25.00	\$ 27.50
Private Room - Maximum 4 Persons		\$ 70.00	\$ 77.00
Complex - 8 Rooms - Maximum 32 Persons	/night	\$ 450.00	\$ 495.00
Discounts Applies (MAX 10%) to the below:		10%	10%
Stay greater than 2 nights and receive 10% discount			
Stay greater than 2 nights, Member of Caravaning Australia/ Gday Rewards/Top Parks			
Discount may apply to Approved Not for Profit Clubs, on application			
Seasonal Specials/Packages to be Authorised by Chief Executive Officer			
Special Charges			
Damage to Facilities or Loss/Missing Items will be Charged as per Suppliers Quotation			
Commission on OTA (online travel agents) will be added to your fees			
PEAK PERIOD - 21 Sept 2020 to 5 Oct 2020, 12-Dec-2020 to 26-Jan-2021 and 02-Apr-2022 to 18-Apr-2022 - Increase on Cabin/Villa Style Accommodation			

Bjelke-Petersen Dam and Recreation Park		Per Night	Per Night
		OFF PEAK	PEAK
Accommodation			
Cabins (9) Maximum 4 Persons - All Linen Provided			
Self-Contained - Sleeps up to 4 - with TV (1 Double Bed + 2 x Bunk Beds)			
Per Night (Up to 2 Persons)	/night	\$ 110.00	\$ 120.00
Extra Adult	/night	\$ 12.00	\$ 12.00

Extra Child	/night	\$ 6.00	\$ 6.00
Villas (3) Maximum 7 Persons - All Linen Provided			
Self-Contained - Sleeps up to 7 - with Air-Conditioning, DVD Player and Large TV (1 Queen Bed + 1 Single and Double Bunk Bed + 1 Double Pull Out Lounge)			
Per Night (Up to 2 Persons)	/night	\$ 140.00	\$ 154.00
Extra Adult	/night	\$ 12.00	\$ 12.00
Extra Child	/night	\$ 6.00	\$ 6.00
Villas (2) Maximum 5 Persons - All Linen Provided			
Self-Contained - Sleeps up to 4 - with Air-Conditioning, DVD Player and Large TV (1 Double Bed, 1 Double Pull Out Lounge) +single rollaway available			
Per Night (Up to 2 Persons)	/night	\$ 130.00	\$ 143.00
Extra Adult	/night	\$ 12.00	\$ 12.00
Extra Child	/night	\$ 6.00	\$ 6.00
Powered Sites - Max 8 Persons per site			
Powered Sites - Up to 2 Persons	/night	\$ 35.00	Not Applicable
Powered Sites - Extra Adult (12 Years and Above)	/night	\$ 12.00	Not Applicable
Powered Sites - Extra Child (Under 12 Years)	/night	\$ 6.00	Not Applicable
(Children Under 2 years - No Charge)			
Unpowered Sites - Max 8 person per site			
Unpowered Sites - 1 Person Only	/night	\$ 12.00	Per Adult
Unpowered Sites - Up to 2 Persons	/night	N/A	Not Applicable
Unpowered Sites - Extra Adult (12 Years and Above)	/night	N/A	Not Applicable
Unpowered Sites - Extra Child (Under 12 Years)	/night	\$ 6.00	Per Child U12
(Children Under 2 years - No Charge)			
Ensuite Powered Caravan Sites - Max 8 persons per site			
Ensuite Site - Up to 2 Persons	1 night only	\$ 45.00	\$ 50.00
Ensuite Site - Extra Adult (12 Years and Above)	/night	\$ 12.00	\$ 12.00
Ensuite Site - Extra Child (Under 12 Years)	/night per person	\$ 6.00	\$ 6.00
(Children Under 2 years - No Charge)			

<u>Tennis Court Hire</u>			
Daily - Staying in Park	/hour		
Night Hire (Tennis Court)	/hour	\$ 15.00	\$ 15.00
<u>Deposits</u>			
Peak Period - 50% - at time of booking, Full payment 30days prior to arrival			
Off Peak - 25% - at time of booking, Full payment 7 days prior to arrival			
Long Term stay - > 1 month 10% at time of booking, payment week by week			
<u>Discounts Applies (MAX 10%) to the below:</u>		10%	10%
Stay greater than 2 nights, Member of Caravaning Australia/ Gday Rewards/Top Parks			
Discount may apply to Approved Not for Profit Clubs, on application			
Seasonal Specials/Packages to be Authorised by Chief Executive Officer			
<u>Special Charges</u>			
Damage to Facilities or Loss/Missing Items will be Charged as per Suppliers Quotation			
Commission on OTA (online travel agents) will be added to your fees			
PEAK PERIOD - 21 Sept 2020 to 5 Oct 2020, 12-Dec-2020 to 26-Jan-2021 and 02-Apr-2022 to 18-Apr-2022 - Increase on Cabin/Villa Style & Ensuite Accommodation			

FINANCIAL AND RESOURCE IMPLICATIONS

No significant impact on Council's budget.

LINK TO CORPORATE/OPERATIONAL PLAN

GO3 The South Burnett is a recognised tourism destination

GO3.1 - Promote and support the development of the South Burnett as a premier tourist destination

EXC1 Effective financial management

EXC1.1 - Ensure Council's financial management planning is based on realistic, sustainable, equitable policies and practices

INF1 Infrastructure that meets our communities needs

COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)

There has been no formal public consultation on this proposed change. Councillors have been consulted at Council's briefing sessions. Dam Managers also consulted.

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

No legal implications

POLICY/LOCAL LAW DELEGATION IMPLICATIONS

N/A

ASSET MANAGEMENT IMPLICATIONS

N/A

REPORT

Fees and Charges for Lake Boondooma & Bjelke-Petersen Recreational Parks have been amended to bring in line with industry rates, discounts, deposits, maximum occupancy per site and keeping consistency between the two parks.

Comparisons have been undertaken with other tourist parks that offer similar accommodation and camping facilities and we are comparable or in the majority of cases less expensive with the rates charged.

Recent renovations to the facilities including ensuite renovations, air conditioner replacements and a complete upgrade of cabin furniture has been undertaken improving the standard of accommodation thus supporting the increase in cabin fees.

ATTACHMENTS

Nil

14 PORTFOLIO – ECONOMIC DEVELOPMENT

14.1 ECONOMIC DEVELOPMENT PORTFOLIO REPORT

File Number: 15-07-2020

Author: Councillor

Authoriser: Chief Executive Officer

PRECIS

Economic Development Portfolio Report

SUMMARY

Cr Schumacher presented her Economic Development Portfolio Report to Council

OFFICER'S RECOMMENDATION

That Cr Schumacher's Economic Development Portfolio Report to Council be received.

BACKGROUND

Nil

ATTACHMENTS

Nil

15 NOTICES OF MOTION

Nil

16 INFORMATION SECTION**16.1 LIST OF CORRESPONDENCE PENDING COMPLETION OF ASSESSMENT REPORT****File Number:** 15-07-2020**Author:** Executive Assistant**Authoriser:** Chief Executive Officer**PRECIS**

List of correspondence pending completion of assessment report

SUMMARY

Reports pending completion of assessment

OFFICER'S RECOMMENDATION

That the List of Correspondence pending completion of Assessment Report be received.

REPORT**2695284** - Forwarding Development Application for a Development Permit for Material Change of Use (Shop) at the corner of Coulson & Muir Street Blackbutt - Lot 9 RP32384 & Lot 8 SP105981 - MCU20/0010**2696166** - Request to Change existing approval for Material Change of Use – Food & Drink Outlet & Function Facility at 88 Brooklands Pimpimbudgee Road South (Beare Road) Maidenwell - Lot 12 RP28694 - MCU18/0015.02**2696881** - Forwarding Extension Application Form for property at 1-5 Bankia Drive Kingaroy - Lot 2 RP807384 - Development Approval - IR1627506 - MCU20/0011**2697685** - Forwarding Development Application - Reconfiguration of a Lot - 2 lots into 1 at 86 Boldery Road Brooklands - Lot 16 FTZ37139 & Lot 131 SP268200 - RAL20/0005**2698841** - Forwarding Application for Proposed Subdivision - Reconfiguration of a Lot - 1 into 2 lots - 20 Reen Street Kingaroy - Lot 12 RP36999 - RAL20/0006**ATTACHMENTS**

Nil

16.2 DELEGATED AUTHORITY REPORTS

File Number: 15/07/2020
Author: Planning Administration
Authoriser: Chief Executive Officer

PRECIS

Reports signed by the Chief Executive Officer under Delegated Authority




SUMMARY


This report comprises a listing of any reports that have been approved by Delegated Authority

OFFICER'S RECOMMENDATION

That the Delegated Authority Report be received

ATTACHMENTS

1. **P&LM - 2689552 - Material Change of Use - Minor Change to Approval IR149117 - 6 X Multiple Dwelling Units - 29 Knight Street, Kingaroy - APPROVED 15 June 2020** [↓](#) 
2. **P&LM - 2677182 - Reconfiguring a Lot (1 lot into 2 lots) 143 Clark & Swendson Road, Kingaroy - RAL20/0003 - APPROVED 30 June 2020** [↓](#) 
3. **P&LM - 2686177 - Request for Minor Change to Conditions of Development Permit - MCU for Intensive Animal Husbandry (Aquaculture) at 1135 Barambah Road, Moffatdale. APPROVED 3 July 2020** [↓](#) 

Approved by Delegated Authority: 

Date: 10/6/2020

Title P&LM - 2689552 - Material Change of Use – Minor Change to Approval (IR149117)
 – 6 x Multiple Dwelling Units- 29 Knight Street, Kingaroy – Lot 8 SP249635 – T J Condon & K A Paton – Rebel Investments Pty Ltd ATF Rebel Superannuation Fund – Davison Homes - MCU20/0008




Document Information

ECM ID 2689552

Author MANAGER PLANNING & LAND MANAGEMENT: Chris du Plessis

Endorsed By GENERAL MANAGER COMMUNITY

Date 10 June 2020

	SIGNATURE	DATE
MANAGER		10/6/2020
GM		15/6/2020
CEO		15.06.2020

Précis

Material Change of Use – Minor Change to Approval (IR149117) - 6 x Multiple Dwelling Units - 29 Knight Street, Kingaroy – T J Condon & K A Paton – Rebel Investments Pty Ltd ATF Rebel Superannuation Fund – MCU20/0008

Summary

- Council issued a development permit for the Reconfiguration and a Material Change of Use of the subject site on 17 August 2011. This approval provided for the construction of 10 multiple dwellings on site. The Reconfiguration component of the approval has been completed.
- Council issued a change to this approval on 24 September 2015 that extended the currency period until 11 April 2020 and amended the conditions of the approval.
- The applicant is now seeking a further amendment to the approval to revise the site layout reducing the number of units from ten (10) to six (6) and extending the currency period to allow for the commencement of the development.
- The proposed change was assessed against the Low Density Residential Code and the Service and Works Code of the SBRC Planning Scheme. The proposed development is consistent with the outcomes of these codes.
- Recommended that Council approve the amended layout and conditions and extend the currency period by six (6) years until 10 April 2026.

Officer's Recommendation

That Council approve the change application for a Minor Change assessed under s81 of the Planning Act 2016 to amend the conditions of approval including an updated Infrastructure Charges Notice for a Material Change of Use for 6 (six) Multiple Dwelling Units at 29 Knight Street, Kingaroy described as Lot 8 on SP249635, subject to the following amended conditions:

General

GEN1. Development of the subject land is to proceed generally in accordance with the following proposal plans submitted as part of the application except where amended by the following conditions-

- Project No. 1982 Issue F1 (Site Cover Plan) drawn by Statewide Building Design Solutions dated March 2020
- Project No. 1982 Issue F1 (Site Plan) drawn by Statewide Building Design Solutions dated March 2020
- Project No. 1982 Issue F1 (Floor Plan) drawn by Statewide Building Design Solutions dated March 2020

Approved by Delegated Authority:



Date: 10/6/2020

- Project No. 1982 Issue F1 (Elevations) drawn by Statewide Building Design Solutions dated March 2020
- Project No. 1982 Issue F1 (Car Turning Template Unit 1 and Unit 6) drawn by Statewide Building Design Solutions dated March 2020
- Project No. 1982 Issue F1 (Car Turning Template Unit 2 and Unit 5) drawn by Statewide Building Design Solutions dated March 2020
- Project No. 1902 Issue F1 (Car Turning Template Unit 2 and Unit 5) drawn by Statewide Building Design Solutions dated March 2020

GEN2. All works, including the relocation of any infrastructure or services (Telstra, lighting etc.) required as a result of this approval, including these conditions, is to be carried out at no cost to Council.

GEN3. Dust prevention measures to be undertaken to ensure that dust does not cause a nuisance to occupiers of adjacent premises during and after construction.

GEN4. During the construction phase, install and maintain silt management facilities until the building works and operational works are completed and the site is landscaped.

GEN5. The site is to be maintained in a clean and orderly state at all times.

Particular Use

MCU1. This approval is for Multiple Dwelling Units and does not imply approval for other similar uses. The subject site is not to be used for any other purpose unless in the opinion of Council is subservient to the predominant use of the site for Multiple Dwelling Units.

Fencing

MCU1. Fence construction along the side and rear boundaries is to be solid screen fencing to a height not exceeding 1.8m to prohibit direct views between habitable rooms of dwelling units, individual private open space areas and existing Dwelling Houses on adjoining allotments.

MCU2. Fence construction along the access strip to Knight Street is to be solid screen fencing not exceeding 1.8m in height and shall taper down to 1.2m in height within 6.0m of the front boundary.

Satellite Dishes

MCU3. A maximum of one satellite dish is permitted per unit block with a maximum diameter of 1.2m with a maximum height of 10.5m above ground level.

Lighting

MCU4. Lighting used to illuminate any areas of the premises is to be angled or shaded in such a manner so that light does not directly illuminate any nearby premises or roadways.

Landscaping

MCU5. The site is to be landscaped in accordance with Planning Scheme Policy No. 5 – Landscaping. A detailed landscaping plan is to be submitted and approved by Council prior to the commencement of the use.

MCU6. Each private open space area is to incorporate landscaping treatment to ensure that covered sections indicated on the proposal plans can be effectively utilised. When preparing a landscaping plan, the applicant should ensure that the proposed landscaping meets the requirements of Specific Outcome O6 within the Multiple Dwelling Unit, Accommodation Building and Retirement Village Code of the Kingaroy Shire IPA Planning Scheme.

Approved by Delegated Authority:



Date: 10/6/2020

Clothes Drying Area

MCU7. Each dwelling unit is to be provided with external clothes drying facilities in the private open space area.

Letterboxes and Unit Identification

MCU8. Letterboxes shall be provided along the internal road alignment for each habitable unit, including the body corporate if appropriate. Each box shall be distinguished by a number corresponding to the unit number.

MCU9. Each dwelling unit is to be readily identified by number.

Waste Storage

MCU10. Provision must be made for the storage and removal of refuse in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.

MCU11. Individual areas that are dedicated for the collection and/or storage of solid waste from dwelling units on the premises are to be -

- 1 level;
- 2 provided with impervious hard stand and drained; and
- 3 if facing the street frontage or internal roadway, screened by a 1.8m high fence around the full perimeter.

Electricity/Telecommunications

MCU13. Each dwelling unit is to be supplied with reticulated electricity and telecommunication services.

Parking and Driveways

ENG 1. Provide at least thirteen (13) car parking spaces, comprising of at least twelve (12) for B99 vehicles and at least one (1) disabled bay in accordance with the requirements of Schedule 6 – SC 6.2.1-Design and Construction Standards for On-site Vehicle Access, Parking and Standing Area of the South Burnett Regional Council Planning Scheme; and the current versions of the relevant parts of AS/NZS 2890.

ENG 2. The persons with a disability car park shall be designed and constructed in accordance with the requirements of the current version of AS/NZS 2890.6.

ENG 3. Any kerbing associated with the car parking bays, or internal driveways shall be low enough to provide for clearance under vehicles.

ENG 4. The car parking areas and internal driveways shall be constructed, drained and surfaced with reinforced concrete, and conforming to the layout shown on Statewide Building Design Solutions Site Cover Plan, Job Number 1982, Issue F1, dated March 20, except that the internal driveways shall have a minimum width of 5.0m. The construction and design shall be in accordance with the requirements of Table S SC 6.2.8- Design and Construction Standards of the South Burnett Regional Council Planning Scheme. The standard of construction shall be consistent with Council's Standard Drawing No. SBRC 00048, Residential Property Access & Kerb Crossover.

Property Access

ENG 5. Provide a single property access from the front property alignment of Lot 8 SP249635 to the abutting road carriageway, as specified in Department of Transport & Main Roads conditions and in accordance with the details in Council's Standard Drawing SBRC-00048 Residential Property Access & Kerb Crossover (except that the proposed crossover shall be a minimum of 6.0 metres in width as shown on Statewide Building Design Solutions Site Cover Plan, Job Number 1982, Issue F1, dated March 20 and Table SC 6.2.8-

Approved by Delegated Authority: 

Date: 10/6/2020

Design and Construction Standards of the South Burnett Regional Council Planning Scheme.

~~ENG 6. Only one access to the site will be permitted, which shall be from Knight Street in the location shown on Statewide Building Design Solutions Site Cover Plan, Job Number 1982, Issue F1, dated March 2020.~~

ENG 7. The access shall be constructed:

- a) to permit vehicles to enter and leave the property in a forward gear;
- b) such that it does not cause a trip hazard to pedestrians;
- c) to ensure that low-clearance vehicles can enter and leave the property; and
- d) such that fencing, landscaping and letterboxes do not impede sight lines for vehicles entering or leaving the property or driving along Knight Street.

ENG 8. The applicant shall remove any disused vehicle entrances and reinstate kerbing consistent with the adjacent kerb profile.

Stormwater Drainage

ENG 9. The applicant shall submit a revised stormwater management report for approval by Council, detailing:

- a) drainage paths within and outside the property;
- b) Design for stormwater including sizing, other details and location of all proposed pipe and channel flows and stormwater infrastructure such as on-site detention/rainwater tanks, field inlets and connections to Council infrastructure;
- c) Details of all pre- and post-development flows; and
- d) Details of any cut or fill proposed to direct stormwater to a legal point of discharge.

~~ENG 10. All stormwater drainage infrastructure serving the site including all surface, underground and roof water components shall be designed:~~

- a) in accordance with the requirements of the Queensland Urban Drainage Manual (QUDM) and certified by a RPEQ engineer; and
- b) so that the development will not make material changes to the pre-development location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves; or create a nuisance to other properties or road reserves.

ENG 11. Any new earthworks or structures shall not concentrate or impede the natural flow of water across property boundaries and onto any other lots including the road reserve.

ENG 12. Stormwater drainage shall be designed such that no restriction to existing or developed stormwater flow from upstream properties or ponding of stormwater within upstream properties occurs as a result of the development.

ENG 13. All stormwater drainage systems, including all surface, underground and roof water components, shall effectively drain all stormwater falling onto the proposed development to Council's stormwater system, rain water tanks or other lawful point of discharge. Such works shall be sized and constructed as determined by the detailed design.

ENG 14. Heavy duty galvanized steel roof water adaptors (Kacey or equivalent) shall be installed in the kerb and channelling during construction in accordance with South Burnett Regional Council requirements.

Water Supply

ENG 15. Each unit within the proposed development shall be connected to Council's Reticulated Water Supply System in accordance with Schedule 6, Division 3 – Water Supply and Sewerage of the South Burnett Regional Council Planning Scheme, the WBBROC, and the South East Queensland Water Supply and Sewerage Design & Construction Code (SEQ Code), at no cost to Council.

Approved by Delegated Authority:



Date: 15/6/2020

ENG 16. A single connection (and water meter) only is permitted to the Council network to service the lot. If required, metering of individual units shall be by way of sub-meters internal to the property, and the responsibility of the developer.

Sewerage & Sewer Relocation

ENG 17. Sewerage shall be connected to the existing sewer at a location acceptable to Council in accordance with the requirements of Schedule 6, Division 3 – Water Supply and Sewerage of the South Burnett Regional Council Planning Scheme; WBBROC and the South East Queensland Water Supply and Sewerage Design & Construction Code (SEQ WS&S D&C Code), at no cost to Council.

Building Over/Near Sewer

ENG 18. Any work over or adjacent to Council's sewerage infrastructure, including the construction/rebuilding/alteration of buildings, pavements, or other structures; and filling or excavation of material; shall be carried out in accordance with the requirements of the Queensland Development Code MP1.4 Building over or near relevant infrastructure.

ENG 19. Where a pavement for vehicular access, manoeuvring or parking is proposed to be constructed over the sewer, construction jointed sections shall be incorporated so as to facilitate future Council access for maintenance/service purposes. The applicant shall provide detailed design drawings certified by a RPEQ Civil Engineer of the works proposed for approval by Council. The drawings shall be survey-accurate, locating the sewer and showing the proposed location of any structures, foundations etc. that potentially may affect it; and also showing details of the proposed measures to achieve the requirements of MP1.4.

Proposed Sewer Relocation

ENG 20. The applicant shall provide detailed design drawings for the proposed sewer relocation including heights, depths and location of existing infrastructure, contours and spot heights, certified by a RPEQ Civil Engineer for approval by Council, and shall be lodged under a separate development permit for Operational Work. Council may assist the applicant to liaise with the owner of Lot 4 on RP231679 (63 Railway Terrace, Kingaroy) in relation to the location of the proposed manhole.

ENG 21. The existing sewer main shall be decommissioned to Council requirements. Decommissioning of the redundant section of the existing sewer shall be carried out at no cost to Council.

Earthworks

ENG 22. Filling or excavation 1m or more in height/depth, or involving more than 50³ of material shall be undertaken under a separate Development Permit for Operational Works.

Advice

ADV1. Section 85 (1)(a) of the *Planning Act 2016* provides that, if this approval is not acted upon within the period of six (6) years the approval will lapse. This development approval starts to have effect in accordance with the provisions of Section 71 of the *Planning Act 2016* and will lapse on 10 April 2026

ADV2. This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the Aboriginal *Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage." Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

Approved by Delegated Authority:



Date: 10/6/2020

ADV.3 Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to s119 of the Planning Act 2016.

ADV4. Attached for your information is a copy of Chapter 6 of the Planning Act 2016 as regards to Appeal Rights.

Approved by Delegated Authority:



Date: 10/6/2020

Financial and Resource Implications

No implication can be identified.

Link to Corporate/Operational Plan

Growth and Opportunity

GO2 Balanced development that preserves and enhances our region.

GO2.1 Implement Council's planning scheme to support sustainable development of business, industry and community liveability

Communication/Consultation (Internal/External)

Refer to consultation in this report.

Legal Implications (Statutory Basis, Legal Risks)

No implication can be identified.

Policy/Local Law/Delegation Implications

No implication can be identified.

Asset Management Implications

No implication can be identified.

Approved by Delegated Authority:



Date: 10/6/2020

Report

SITE DETAILS	
Street Address:	29 Knight Street, Kingaroy Qld
RP Description:	Lot 8 SP249635
State Referral Agencies:	Nil
Owner:	Rebel Investments Pty Ltd ATF Rebel Superannuation Fund

SITE AND LOCALITY DESCRIPTION				
Land Area:	0.3569 ha			
Existing Use of Land:	Vacant block			
Road Frontage:	7 metres			
Road/s	Road Hierarchy	Width of Road Reserve	Width of Pavement	Road Material
Knight Street, Kingaroy	Road	30 metres	4.7 metres	Bitumen
Easements	Easement A in Lot 8 SP249635 (285 m2) for access purposes.			
Significant Features:	Site	Site is vacant		
Topography:	Level			
Surrounding Land Uses:	Land Use	Zone/Precinct		
	Dwelling Houses within the Low Density Residential Zone.			
Services:	Reticulated Water Supply, Sewerage, Electricity & Telecommunications			

PLANNING SCHEME DETAILS		
Current Planning Scheme:	South Burnett Regional Council Planning Scheme Version 1.3	Commenced 2 October 2017
Zone:	Low Density Residential Zone	
Precinct:	Nil	
Overlays:	OMB - Agricultural Overlay Map	
Infrastructure Resolution	Charges	<p>Council adopted the LGIP on 24 June 2019 which commenced on 1 July 2019.</p> <p>The types of development that may trigger the issuing of an infrastructure charges notice are:</p> <ul style="list-style-type: none"> a) Reconfiguring a Lot; b) Making a Material Change of Use; c) Carrying out Building Work. <p>The property is within the catchment mapping and is therefore subject to relevant adopted charges.</p>

Approved by Delegated Authority:



Date: 10/6/2020

APPLICATION HISTORY

The following section outlines the changes to the development approval proposed:

The existing approval over the subject land is for a Reconfiguration of a Lot (3 lots into 4 lots) & Material Change of Use (10 Multiple Dwelling Units), Council reference IR1491177 dated 24 September 2015. The currency period for this approval was until 11 April 2020.

APPLICATION DETAILS

APPROVED DEVELOPMENT	
Type of Approval	Material Change of Use – Minor Change to Approval
Approved Development	6 Multiple Dwelling Units
Level of Assessment	Minor Change
Gross Floor Area	6 Units each with floor area 84.80m ² and a Shed 42m ²
Car Parking Spaces	12
Service Vehicle Provision	Not required.
Original Submissions Received	One (1) properly made submission opposing application. Notice of Appeal filed with P&E Court on 4 Oct 2011 and discontinued on 11 April 2012.
Currency Period Lapses	11 April 2020

APPLICANT DETAILS	
Applicant:	Rebel Investments Pty Ltd ATF Rebel Superannuation Fund C/- Davison Homes
Owner:	Rebel Investments Pty Ltd ATF Rebel Superannuation Fund
Type of Application:	Material Change of Use – Minor Change
Requested Extension	Four (4) years
Decision Making Period Ends	24 June 2020

CONSULTATION	
Internal	Engineering Conditions
External (original DA)	Department of Main Roads (Concurrence) for premises adjoining State controlled road. Department advised no requirements.

2.0 PLANNING CONSIDERATIONS

2.1 Appropriateness of the Proposal – Minor Change

The proposed request to change an existing approval is assessed under s81 of the *Planning Act 2016*. Minor changes are defined in Schedule 2 of the *Planning Act 2016*. The proposed change is considered against that definition in the table below.

Minor Change Criteria	Complies	Response
(i) result in a substantially different development; or if a development application for the development, including the change, were made when the change application is made, it would not cause -	Yes	The proposed change does not create or result in substantially different development.
(i) the inclusion of prohibited development in the application; or	Yes	The proposed change will not result in prohibited development.
(ii) referral to a referral agency, other than to the chief executive, if there	Yes	The development application did not require referral to SARA.

Approved by Delegated Authority: 

Date: 10/6/2020

(iii) were no referral agencies for the development application; or referral to extra referral agencies, other than to the chief executive; or	Yes	The proposed change would not require the application to be referred to additional referral agencies.
(iv) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or	Yes	The proposed change would not cause a referral agency to assess the application against or have regard to the matters prescribed by regulation.
(v) public notification if public notification was not required for the development application.	Yes	The approved development was subject to public notification. The level of assessment is not changed by the proposed change to the development.

2.2 Extension to the current period

Section 87(1) of the *Planning Act 2016* establishes the following for the assessment of extension applications:

"When assessing an extension application, the assessment manager may consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application."

The following table identifies the matters relevant to the assessment of the extension application, any comments made by the applicant and the relevant assessing comments made by the assessing officer:

Relevant Matter	Relevant Comments
Consistency with local categorising instrument.	<p>Since the development approval was given under the Kingaroy Shire IPA Planning Scheme and has been replaced with the South Burnett Regional Council Planning Scheme 2017 v1.3.</p> <p>The planning provisions under the Kingaroy Shire IPA Planning Scheme are not considered consistent with the planning provisions that currently apply under the South Burnett Regional Council Planning Scheme v1.3.</p> <p>The property was zoned for Residential purposes in mind under the Kingaroy Shire IPA Planning Scheme however, when the South Burnett Regional Council planning scheme was introduced the zone was amended to Low Density Residential. The level of assessment has not changed between the two planning schemes.</p> <p>Under the original assessment, no works have commenced nor an operational works development application applied for.</p> <p>In consideration of the consistency of the development approval with the applicable</p>

Approved by Delegated Authority:



Date: 10/6/2020

	<p>Infrastructure Charges under Council's current LGIP, it is reasonable that the contributions be charged at the current rate.</p> <p>Council has calculated new charges which are provided in an Infrastructure Charges Notice (ICN).</p>
<p>Compliance with current assessment benchmarks</p>	<p>The zoning change that occurred on the land when the current planning scheme was introduced did not change the purpose and overall outcomes sought for the zone.</p> <p>The approved development would also be subject to impact assessment under the South Burnett Regional Council Planning Scheme 2017 v.1.3.</p>

Under the repealed *Sustainable Planning Act 2009*, the relevant period for the original approval was extended until 11 April 2020.

On the basis, the applicant submitting a request to change the development approval conditions of approval to reflect current planning policies and standards it is considered reasonable to approve an extension of 6 (six) years to the currency period from 11 April 2020.

The conditions of the current approval has remained largely unchanged and reflect the revised proposal plans reducing the number of units from 10 units to a total of 6 units. The overall site coverage has reduced providing more private open space per unit on site.

2.2 South Burnett Regional Council Planning Scheme 2017

Under the current Planning Scheme the site is situated in the Low Density Residential Zone, as such if the change application is approved it would not constitute a conflict with the South Burnett Regional Council Planning Scheme 2017.

The proposed new layout complies with the relevant parts of Low Density Residential Zone Code as follows:

Table 0.1—Accepted development subject to requirements and assessable development

Performance outcomes	Requirements for accepted development and assessment benchmarks
<p>Section 2 General</p>	
<p>PO2 The density, built form and appearance of development reflects the intended low density, detached housing character of the zone, is climatically responsive and facilitates casual surveillance of the street.</p>	<p>AO2.1 Site cover does not exceed 50% except for the Bunya Mountains Precinct where the maximum site cover is 10%.</p> <p>and</p> <p>AO2.2 Buildings are a maximum of 2 storeys above ground level.</p> <p>and</p> <p>AO2.3 Pedestrian entrances to buildings are clearly visible from the street.</p> <p>and</p> <p>AO2.4 The maximum length of any façade without articulation or change of materials is 10m.</p> <p>and</p> <p>AO2.5 Buildings are set back at least:</p> <p>(a) 6m from the primary street frontage;</p>

Approved by Delegated Authority



Date: 10/6/2020

Performance outcomes	Requirements for accepted development and assessment benchmarks
	<p>(b) 4.5m from any secondary street frontage;</p> <p>(c) 1.5m from side boundaries; and</p> <p>(d) 6m from rear boundaries.</p> <p>and</p> <p>AO2.6 A 1.8m high screen fence is provided to the side and rear boundaries.</p> <p>and</p> <p>AO2.7 Plant and service equipment (air conditioning, exhaust fans, lift motor rooms, refuse bins, telecommunication devices, etc) are integrated into the building.</p> <p>and</p> <p>AO2.8 Garages are at or behind the ground level front building setback.</p> <p>and</p> <p>AO2.9 Front façades incorporate the front door (and an associated front door identification structure) and living room windows or balconies oriented toward the street.</p> <p>and</p> <p>AO2.10 Each unit incorporates a private open space at least 20m² in area and 4 metres wide that directly adjoins the unit's principal living area and is oriented northward.</p> <p>and</p> <p>AO2.11 Front fences are less than 1.2 metres high.</p> <p>and</p> <p>AO2.12 Where a dual occupancy in the Low Density Residential zone, each unit has:</p> <ul style="list-style-type: none"> (a) independent driveway access to its respective street frontage; and (b) its front door (and an associated front door identification structure) and living room windows or balconies oriented toward its respective street frontage.

Approved by Delegated Authority: 

Date: 20/6/2020

Performance outcomes	Requirements for accepted development and assessment benchmarks
<p>Comment</p> <p>The proposed units are single level with a proposed site cover of 25%. The lesser number of units reduces the original proposed site cover of 42.5% to 25% and achieves a 1 unit to 595m² land area ratio.</p> <p>Section 6 of the Low Density Residential Zone Code for small lot dwelling houses on lots less than 400m² nominates a maximum site cover of 50% and along those lines, the proposed units achieve a lower density than would be allowable on smaller lots in the zone. The configuration of the lot is a hatchet shaped lot and entrances to each building are not visible from the street frontage, however each dwelling façade is directed toward the internal driveway and communal open space area of the site provide clear entrances.</p> <p>The length of any façade does not exceed 10m without articulation.</p> <p>The proposed units are setback 1.5m from the rear and side boundaries and whilst this doesn't comply with the 6m requirement from a rear boundary, Units 4 and 5 are able to be screened from the rear adjoining properties by solid screen fencing. Units 4 and 5 are proposed to be separated from the adjoining dwelling by approximately 9.5m.</p> <p>Solid screen fences for side and rear boundaries are proposed as well as private open space areas for each respective unit.</p> <p>Proposed garages are setback behind the front façade of each unit.</p> <p>Front facades of each unit incorporate a front access door and the living room of each unit looks out toward the communal open space area in the centre of the site.</p> <p>Private open space areas are proposed off the living rooms of each unit each achieving more than 20m² and minimum dimension more than 4 metres.</p> <p>Due to the configuration of the subject land, no front fences required.</p> <p>Overall, the performance outcome is achieved given the density built form and appearance of the development reflects the intended low density character of the zone. Opportunities for casual surveillance of the street are hindered due to the existing configuration of the site however all units have surveillance of the communal open space and driveway areas of the site.</p>	
<p>PO3 Development responds to natural landforms and stormwater flows.</p>	<p>AO3.1 Cut and fill is minimised. and AO3.2 For building sites steeper than 10%, elevated split-level building construction is used to achieve level changes.</p>
<p>Comment</p> <p>The development is to be adequately serviced for management of stormwater and runoff which is to be under separate cover.</p>	
<p>PO4 Development is adequately serviced.</p>	<p>AO4.1 Development is connected to reticulated water supply and sewerage. and AO4.2 Stormwater is discharged to a lawful point of discharge or to downstream properties but only with the consent of the affected landowners. and AO4.3 Development is supplied with reticulated electricity and telecommunications services.</p>

Approved by Delegated Authority:



Date: 20/6/2020

Performance outcomes	Requirements for accepted development and assessment benchmarks
<p>Comment The development is to be connected to electricity, telecommunications, with the necessary stormwater drainage and water and sewerage connections.</p>	
<p>PO5 The efficiency and safety of the road network is not compromised by inappropriate access arrangements.</p>	<p>No outcome specified.</p>
<p>Comment The reduction in the number of units and number of bedrooms per unit is expected to reduce traffic numbers and therefore impact on Knight Street being a state controlled road.</p>	
<p>PO6 Refuse storage areas: (a) are conveniently located for use and collection; and (b) are of useable size; and (c) avoid adverse impacts on neighbours and occupants; and (d) are screened from view within the site, adjoining properties and the street.</p>	<p>No outcome specified.</p>
<p>Comment Each unit will have independent bin storage within the private open space areas of the units. Bins are to be collected from the Knight Street frontage.</p>	
<p>PO7 Development is located and designed to ensure that land uses are not exposed to: (a) Areas that pose a health risk from previous activities; and (b) Unacceptable levels of contaminants.</p>	<p>AO7.1 Development does not occur: (a) In areas that pose a health risk from previous activities; and (b) on sites listed on the Contaminated Land Register or Environmental Management Register. or AO7.2 Areas that pose a health risk from previous activities and contaminated soils which are subject to development are remediated prior to plan sealing, operational works permit, or issuing of building works permit.</p>
<p>Comment The subject site is vacant and has not been utilised for any specific purpose that may pose a health risk to future uses.</p>	

3.0 CONCLUSION

It is recommended that the Council approve both the Minor Change under s81 of the *Planning Act 2016*, and the Extension to Currency Period under s86 of the *Planning Act 2016*, for an additional six (6) years until 10 April 20264.

Conditions of approval have been updated to reflect current planning scheme and planning legislation.

Approved by Delegated Authority 

Date: 20/6/2020

Locality Plan



Source: Intramaps

Aerial Plan



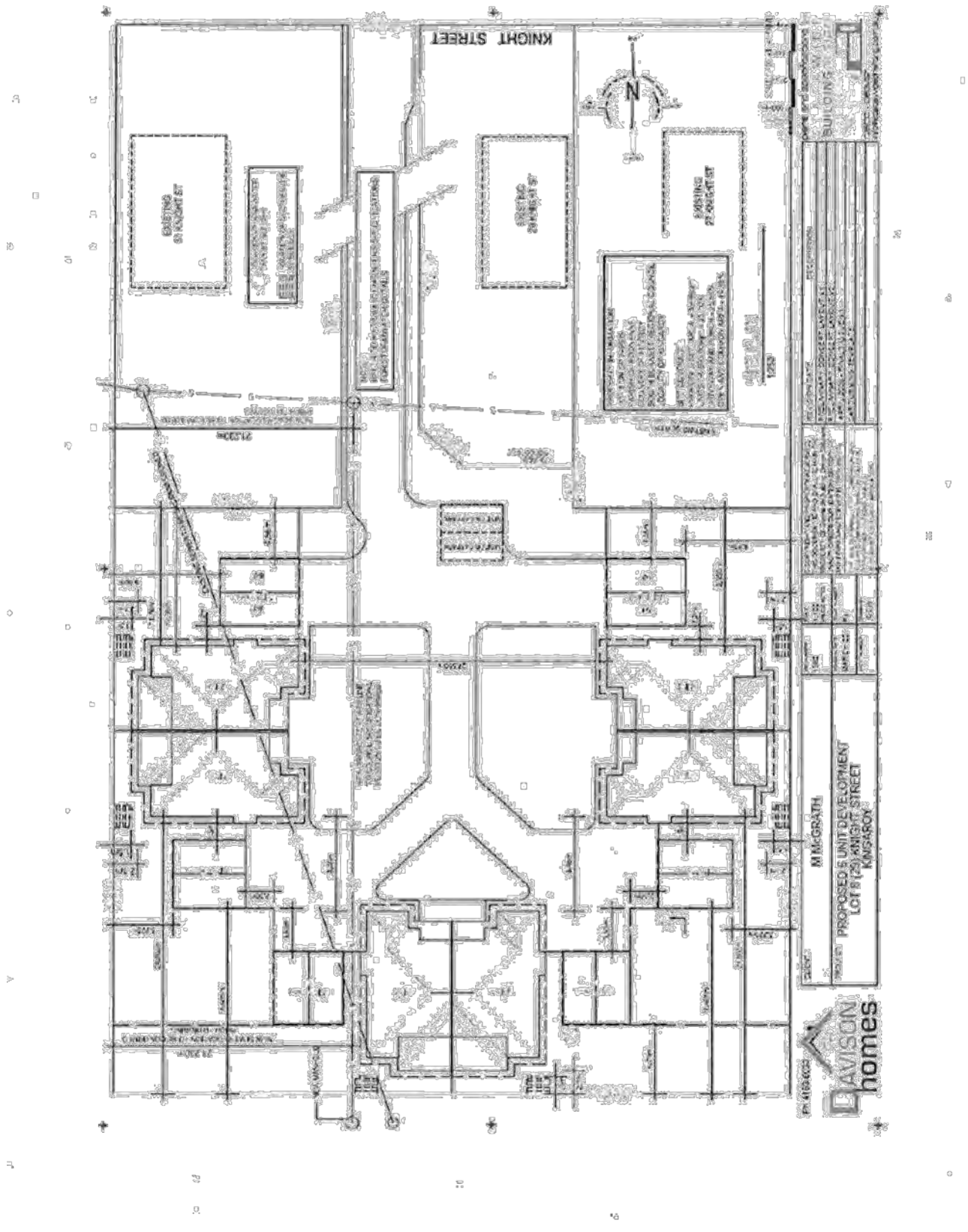
Source: Queensland Globe

Approved by Delegated Authority:

[Signature]

Date:

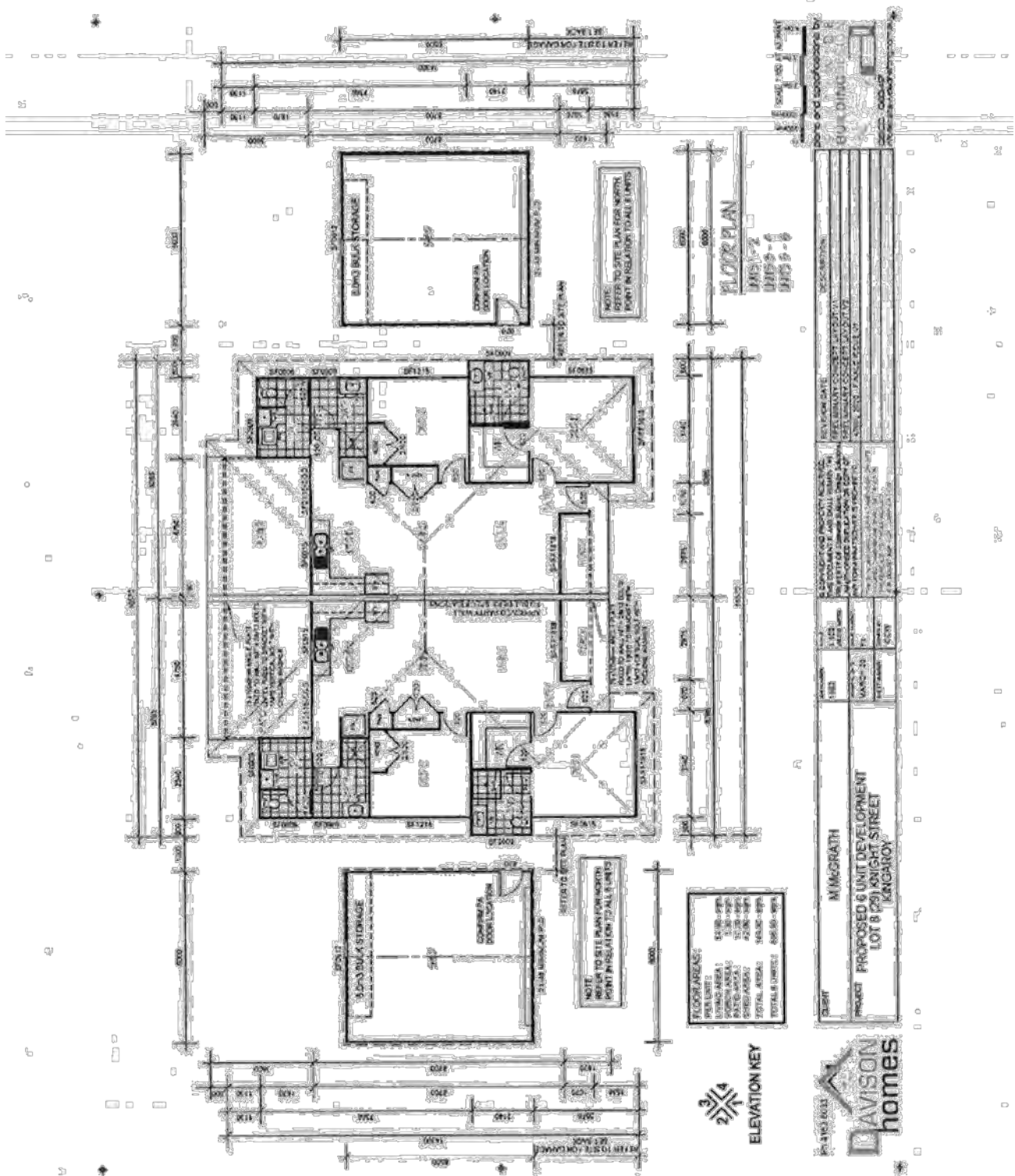
10/6/2020



Approved by Delegated Authority:

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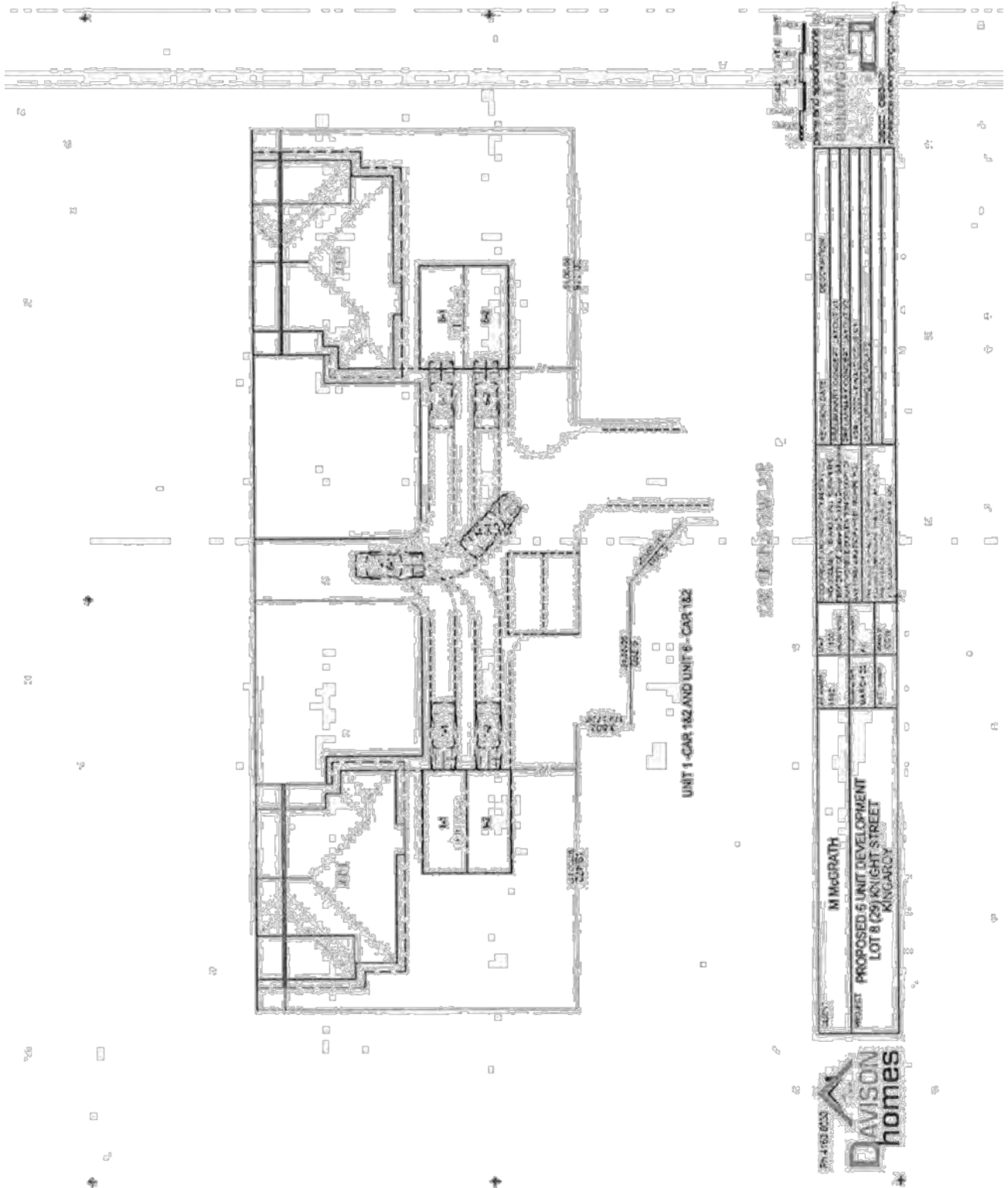
Date: 10/6/2020



Approved by Delegated Authority:



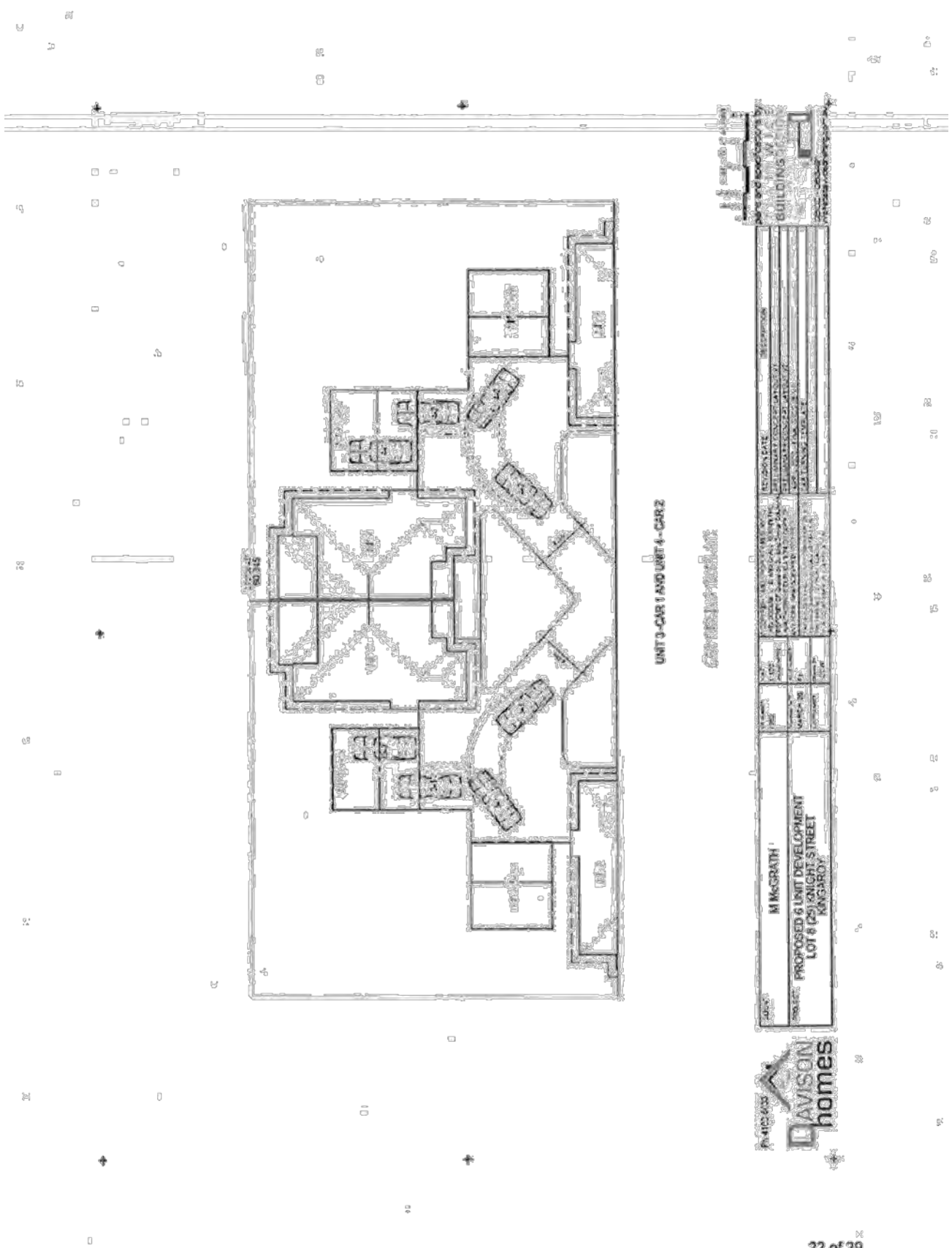
Date: 10/6/2020



Approved by Delegated Authority:

[Signature]

Date: 10/6/2020



UNIT 3-CAR 1 AND UNIT 4-CAR 2

Garage for Unit 4



M McGRATH
 PROJECT: PROPOSED 6 UNIT DEVELOPMENT
 LOT 6 (2) KNIGHTS STREET
 KONGAROO

Approved by Delegated Authority:



Date: 10/6/2020

**Attachment B
Infrastructure Charges Notice**

**INFRASTRUCTURE CHARGES NOTICE
(Section 119 of the Planning Act 2016)**

APPLICANT: Rebel Investments Pty Ltd ATF The Rebel Superannuation Fund

APPLICATION: MCU20/0008

DATE: 10 June 2020

AMOUNT OF THE LEVIED CHARGE: <i>(Details of how these charges were calculated are shown overleaf)</i>	\$65,991.00	Total
	\$32,338.00	Water Supply Network
	\$17,815.00	Sewerage Network
	\$7,922.00	Transport Network
	\$6,601.00	Parks and Land for Community Facilities Network
	\$1,315.00	Stormwater Network

AUTOMATIC INCREASE OF LEVIED CHARGE: The amount of the levied charge is subject to an automatic increase. Refer to the information attached to this notice for more information on how the increase is worked out.

PREMISES TO WHICH CHARGE APPLIES: Lot 8 SP249835

SITE ADDRESS: 29 Knight Street, Kingaroy

PAYABLE TO: South Burnett Regional Council

WHEN PAYABLE: Material Change of Use – When the change happens.
(In accordance with the timing stated in Section 122 of the Planning Act, 2016)

OFFSET OR REFUND: Not Applicable.

This charge is made in accordance with South Burnett Regional Council's *Charges Resolution (No. 3) 2019*

Approved by Delegated Authority:



Date: 10/6/2020

DETAILS OF CALCULATION

Water Supply

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential Uses (1 or 2 bedroom dwelling)	6	Per dwelling	\$7,030.00	CR Table 2.1	\$42,180.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Residential Uses (3 or more bedroom dwelling)	1	dwelling	\$9,842.00	CR Table 2.1	\$9,842.00

Sewerage

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential Uses (1 or 2 bedroom dwelling)	6	Per dwelling	\$3,873.00	CR Table 2.1	\$23,238.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Residential Uses (3 or more bedroom dwelling)	1	dwelling	\$5,423.00	CR Table 2.1	\$5,423.00

Transport

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential Uses (1 or 2 bedroom dwelling)	6	Per dwelling	\$1,722.00	CR Table 2.1	\$10,332.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Residential Uses (3 or more bedroom dwelling)	1	dwelling	\$2,410.00	CR Table 2.1	\$2,410.00

Approved by Delegated Authority: 

Date: 10/6/2020

Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential Uses (1 or 2 bedroom dwelling)	6	Per dwelling	\$1,435.00	CR Table 2.1	\$8,610.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Residential Uses (3 or more bedroom dwelling)	1	dwelling	\$2,009.00	CR Table 2.1	\$2,009.00

Stormwater

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential Uses (1 or 2 bedroom dwelling)	6	Per dwelling	\$286.00	CR Table 2.1	\$1,716.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Residential Uses (3 or more bedroom dwelling)	1	dwelling	\$401.00	CR Table 2.1	\$401.00

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Residential Uses (1 or 2 bedroom dwelling)	\$32,338.00	\$17,815.00	\$7,922.00	\$6,601.00	\$1,315.00	\$65,991.00
Total	\$32,338.00	\$17,815.00	\$7,922.00	\$6,601.00	\$1,315.00	\$65,991.00

* In accordance with section 120 of the Planning Act 2016.

Yours faithfully

SOUTH BURNETT REGIONAL COUNCIL

CHIEF EXECUTIVE OFFICER

Approved by Delegated Authority



Date: 10/6/2020

IMPORTANT INFORMATION

Appeals

A person who has been given, and is dissatisfied with an Infrastructure Charges Notice or Negotiated Infrastructure Charges Notice has, under s229(1) and Schedule 1 of the *Planning Act 2016*, the right to lodge an appeal to the Planning and Environment Court or a Development Tribunal.

The timeframes for starting an appeal in the Planning and Environment Court or Tribunal are set out in s.229(3) of the *Planning Act 2016*.

Section 229(6) and Schedule 1 of the *Planning Act 2016* states the grounds for appealing an Infrastructure Charges Notice or Negotiated Infrastructure Charges Notice.

Automatic Increase Provision of charge rate (\$)

An infrastructure charge levied by South Burnett Regional Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI average¹. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.

However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Council could have levied for the development at the time the charge is paid.

GST

The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the *Planning Act 2016* are GST exempt.

Making a Payment

This Infrastructure Charges Notice cannot be used to pay your infrastructure charges.

To pay the levied charge, you must request an Itemised Breakdown showing the total levied charge payable at the time of payment. An Itemised Breakdown must be presented at the time of payment.

¹ 3-yearly PPI average is defined in section 114 of the *Planning Act 2016* and means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters. PPI Index is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics.

Approved by Delegated Authority:



Date: 10/6/2020

An Itemised Breakdown may be requested by emailing info@southburnett.qld.gov.au

Payment can be made at any of the following South Burnett Regional Council Offices:

- 69 Hart Street, Blackbutt, 4314;
- 45 Glendon Street, Kingaroy, 4610;
- 42 Stephens Street West, Murgon, 4605;
- 48 Drayton Street, Nanango, 4615;
- McKenzie Street, Wondai, 4606; or
- via other methods identified on the Itemised Breakdown.

Enquiries

Enquiries regarding this Infrastructure Charges Notice should be directed to the SOUTH BURNETT REGIONAL COUNCIL, Department of Planning and Land Management, during office hours, Monday to Friday by phoning (07) 4189 9100 or email at info@southburnett.qld.gov.au

Approved by Delegated Authority:



Date: 10/6/2020

**Attachment C
Statement of Reasons**

NOTICE ABOUT DECISION – STATEMENT OF REASONS

The following information is provided in accordance with Section 63(4) & (5) of the Planning Act 2016.

The development application for:

Type of Approval	Material Change of Use – 6 x Multiple Dwelling Units
Level of Assessment	Minor Change to Approval
Application No	MCU20/0008
Name of Applicant	Rebel Investments Pty Ltd ATF Rebel Superannuation Fund C/- Davison Homes
Street Address	29 Knight Street, Kingaroy
Real Property Address	Lot 8 RP249635

On 10 June 2020 the above development was:

Approved in full, with conditions.

1. Reasons for the Decision

The reasons for this decision are:

- The minor change to the approval will result in development that is consistent with the approved use or the subject site.
- The proposed changes will result in less site cover resulting in more private open space on site that is consistent with the surrounding low density residential character of the area.
- The proposed development will not be visible from Knight Street frontage therefore maintaining the existing streetscape.
- The proposed development can connect to Council's services.

2. Assessment Benchmarks

The following benchmarks apply to this development:

- South Burnett Regional Council Planning Scheme 2017 (v1.3)
 - Low Density Residential Zone Code
 - Services and Works Code

Approved by Delegated Authority:



Date:

10/6/2020

3. Compliance with Benchmarks

ASSESSMENT MATTERS		
Relevant matters		
Matters raised in submissions	Issue Nil	How matter was dealt with
Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and complies with all of these or can be conditioned to comply.	

Note: Each application submitted to Council is assessed individually on its own merit.

Approved by Delegated Authority: 

Date: 26/6/2020

Title P&LM - 2677182 - Reconfiguration of a Lot application - 1 Lot into 2 Lots at 143 Clark and Swendson Road Kingaroy - Lot 901 SP184630 - Applicant: H Swendson - RAL20/0003

Document Information

ECM ID 2677182

Author Reel Planning

Endorsed By **MANAGER PLANNING & LAND MANAGEMENT
GENERAL MANAGER COMMUNITY**

Date 26 June 2020

	SIGNATURE	DATE
MANAGER		26/6/2020
GM		30/6/2020
CEO		30-6-2020

Précis

Reconfiguration of a Lot application - 1 Lot into 2 Lots at 143 Clark and Swendson Road Kingaroy - Lot 901 SP184630 - Applicant: H Swendson - RAL20/0003

Summary

The Applicant seeks a Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots) over a site at 143 Clark and Swendson Road, Kingaroy, described as Lot 901 SP184630.

The proposal seeks to create a house lot of 2.1 hectares, to separate it from the balance development lot. The balance development lot will comprise an area of 51.7 hectares.

The site is located within the Rural Residential Zone pursuant to the *South Burnett Regional Council Planning Scheme 2017 (v1.3)* (the Planning Scheme) and is not affected by any notable overlays with the exception of Flood Hazard Overlay across part of the balance development lot.

The Flood Hazard Overlay does not prohibit development and does not affect proposed Lot 1 which will contain the existing dwelling. A future development application for the balance lot will need to address the implications and extent of the flood constraint.

The proposal is for Reconfiguring a Lot, which is code assessable development in the zone and the proposed lot layout meets the minimum lot dimensions of the Planning Scheme.

Based on an assessment of the matters Council must and may have regard to under section 45 (5) of the *Planning Act 2016*, The application is recommended for approval subject to reasonable conditions outlined herein.


Officer's Recommendation

That Council approve the Development Application for Reconfiguring a Lot (1 Lot into 2 Lots) at 143 Clark and Swendson Road, Kingaroy, described as Lot 901 SP184630, subject to the following conditions:

GENERAL:

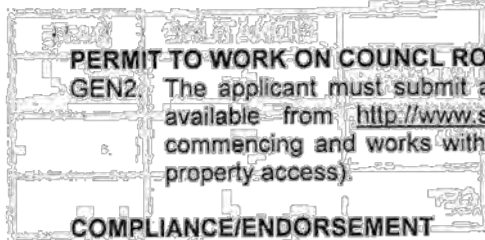
GEN1. The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

Approved by Delegated Authority:



Date: 26/6/2020

Drawing Title	Drawing No.	Revision	Date
Proposed Subdivision	8578P/1	A	24/03/2020



PERMIT TO WORK ON COUNCIL ROADS

GEN2. The applicant must submit a completed *Permit to Work on Council Roads Application* available from <http://www.southburnett.qld.gov.au> for approval by Council before commencing and works within the Council road reserve (i.e., in this case, the required property access).

COMPLIANCE/ENDORSEMENT

GEN3. All conditions of this approval are to be satisfied prior to Council endorsing the Survey Plan, and it is the applicant's responsibility to notify Council to inspect compliance with conditions.

A fee will be charged, with payment required prior to Council's approval of the associated documentation requiring assessment.

OUTSTANDING FEES

GEN4. Prior to sealing the Plan of Survey the applicant is required to pay the Council all rates and charges or any expenses being charged over the subject land under any Act in accordance with Schedule 18 Section 69 of the *Planning Act Regulation 2017*.

SURVEY MARKS

GEN5. Prior to the sealing of the Plan of Survey the applicant is to provide a certificate signed by a licensed surveyor stating that after the completion of all works associated with the reconfiguration, survey marks were reinstated where necessary and all survey marks are in their correct position in accordance with the Plan of Survey.

VALUATION FEES

GEN6. Payment of Department of Natural Resources, Mines and Energy valuation fees that will result from the issue of split valuations prior to Council sealing the Plan of Survey. The contribution is currently assessed at \$96.00 (2 x \$48.00); however, the actual amount payable will be based on Council's Register of Fees & Charges and the rate applicable at the time of payment.

ENGINEERING WORKS

ENG1. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to Council's endorsement of the Survey Plan unless stated otherwise.

ENG2. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's Development Manual and Standard Drawings, relevant Australian Standards, and relevant design manuals.

ENG3. Be responsible for any alteration necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

LAND FOR TRANSPORT NETWORK – ROAD (NON-TRUNK)

ENG4. Dedicate as road land shown as new road (non-trunk) on the approved plan 'Proposed Subdivision – Revision A' prepared by ONF Surveyors and dated 24/03/2020, including the following:

- i. The area shown on the plans as Easement P, facilitating a 3m extension to the width of the road reserve of Clark and Swendson Road.

NOTE: This condition is imposed under Section 145 of the Planning Act 2016.

Approved by Delegated Authority:



Date: 26/6/2020

Timing: As part of the registration of the plan of subdivision notated by Council.

LOCATION, PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS

ENG5. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.

ENG6. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development.

STORMWATER MANAGEMENT

ENG7. Provide evidence that proposed Lot 1 has an internal drainage system to collect stormwater run-off from all roofed and developed surface areas, and can convey stormwater to a legal point of discharge in accordance with the relevant Council standards.

Note: The stormwater design must ensure the stormwater runoff from the site does not adversely impact on flooding or drainage (peak discharge and duration for all storm events up to the 1% AEP event) of properties that are upstream, downstream or adjacent to the site. Some developments may require implementation of one or more mitigation measures to offset adverse impacts, (e.g. stormwater detention, rainwater tanks, and upgrade of stormwater drainage infrastructure).

ENG8. Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

VEHICLE ACCESS

ENG9. Design and construct a gravelled driveway and a crossover having a minimum width of 4 metres and vehicle turnout in accordance with Council's Standard Drawing No. 00049, to access any future Dwelling on proposed Lot 902, at a location to be approved by Council.

BOUNDARY

ENG10. Where the southern proposed boundary, for proposed Lot 1, intersects with the proposed new boundary, the boundaries shall be truncated with 3 equal chords on a six metre radius.

TELECOMMUNICATION

ENG11. Provide evidence that telecommunications can be provided to the proposed lots.

ELECTRICITY

ENG12. Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity.

ENG13. Remove all redundant electrical connections and reinstate the land.

EROSION AND SEDIMENT CONTROL - GENERAL

ENG14. Ensure that all reasonable actions are taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.

ENG15. Remove and clean-up the sediment or other pollutants in the event that sediment or other pollutants are tracked or released onto adjoining streets or stormwater systems, at no cost to Council.

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STANDARD ADVICE

- ADV1. This development approval starts to have effect in accordance with the provisions of Section 71 of the *Planning Act 2016*.
- ADV2. Section 85 (1)(b) of the *Planning Act 2016* provides that, if this approval is not acted upon within the period of four (4) years the approval will lapse.
- ADV3. General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance cause by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the premises during all stages of the development, including earthworks, construction and operation.
- ADV4. Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 119 of the *Planning Act 2016*.

TELECOMMUNICATION CONNECTIONS

- ADV5. Telecommunication connections can be arranged by logging onto Telstra's website (<http://www.telstra.com.au/smart-community/developers/index.htm>) and completing the 'Application for Reticulation'.

ELECTRICITY RETICULATION SERVICES

- ADV6. Council would encourage you to discuss the development with Ergon Energy upon receipt of this approval to facilitate the timely supply of electricity to the development. Connection of electricity can take up to eight (8) months from the date of application to Ergon Energy.

HERITAGE

- ADV7. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding. A search can be arranged by visiting <https://www.datsp.qld.gov.au> and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

APPEAL RIGHTS

- ADV8. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

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Financial and Resource Implications

We note that Condition ENG 4 requires the dedication of new road, at no cost to Council, which is categorised as non-trunk infrastructure. The dedication is a titling matter that is to be completed prior to survey plan endorsement.

Link to Corporate/Operational Plan

Growth and Opportunity

GO2. Balanced development that preserves and enhances our region.

GO2.1 Implement Council's planning scheme to support sustainable development of business, industry and community liveability

Communication/Consultation (Internal/External)

None required

Legal Implications (Statutory Basis, Legal Risks)

No implication can be identified.

Policy/Local Law/Delegation Implications

No implication can be identified.

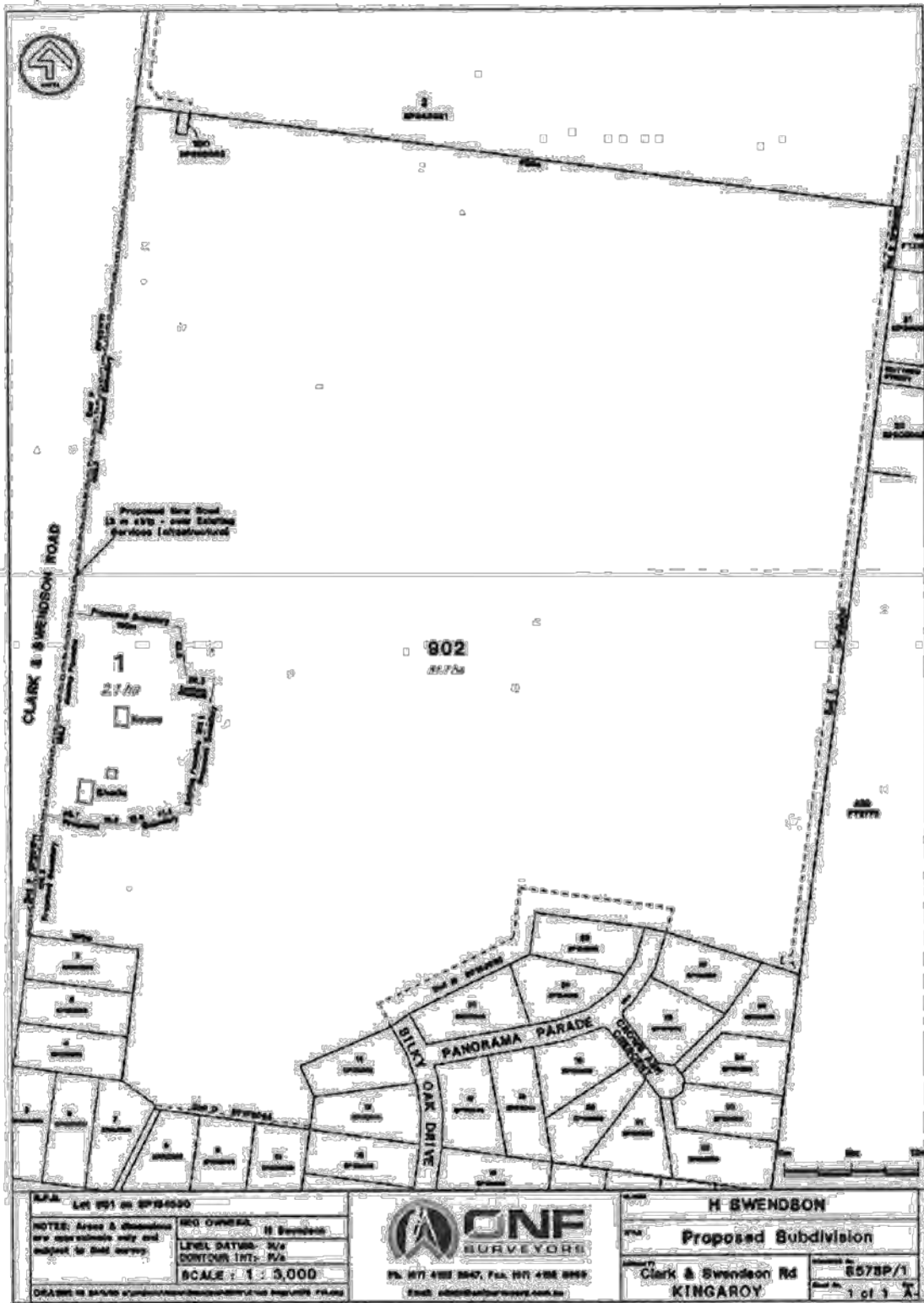
Asset Management Implications

No implication can be identified.

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Proposal Plan



RAL20/0003 – 143 Clark & Swendson Road, Kingaroy

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Approved by Delegated Authority:



Date: 26/6/2020

Report

Applicant: Helen Swendson c/- ONF Surveyors
Owner: Helen Swendson
Property Address: 143 Clark and Swendson Road, Kingaroy
Real Property Description: Lot 901 SP184630
Approvals Sought: Development Permit for Reconfiguring a Lot (1 lot into 2 lots)

Proposal Description:
Planning Scheme: South Burnett Regional Planning Scheme 2017
Planning Scheme Zone: Rural Residential Zone
Preferred Land Use Area: N/A
Area of Land: 53.9 hectares
Existing Land Use: Detached Dwelling
Surrounding Land Uses: The subject site is located to the east of the Kingaroy township.
 North – rural cultivation
 East – Parkland and rural residential dwellings
 South – Rural residential dwellings
 West – Rural residential dwellings.

Services: Electricity, Telecommunications
 On-site wastewater treatment system

Access: The existing access to the house lot will be retained. Access to the balance lot can be achieved to the north along Clark and Swendson Road, or via an internal road to be constructed during Stage 1D as part of approval RAL19/0009).

Topography: Fall across the site towards the western boundary.

Application Deemed Properly Made: 30 March 2020
Confirmation Notice Issued: Nil
Information Request Issued: 29 April 2020
Information Response Received: 10 June 2020
Further Issues Issued: Nil
Response to Further Issues: Nil
Referrals Required/Received: Nil
Application Process: Code Assessment
Public Notification: Nil
Properly Made Submissions: N/A
Public Notice Compliance: N/A

Approved by Delegated Authority:

Date: 26/6/2020

1.0 EXECUTIVE SUMMARY

This report carries out an independent town planning assessment of the proposed development. The Applicant, Ms Helen Swendson, seeks to Reconfigure a Lot (1 lot into 2 lots) to separate the existing house site from the balance development lot. The site is situated at 143 Clark and Swendson Road Kingaroy, formally described as Lot 901 SP184630.

Accordingly, the application is a Development Permit for Reconfiguring a Lot (1 lot into 2 lots). The application was lodged and has been assessed against the South Burnett Regional Planning Scheme 2017.

2.0 SITE AND LOCALITY

2.1 Site Description

The subject site is formally described as Lot 901 SP184630 - refer to Figure 1. The site is generally rectangular in shape, with an irregular southern boundary line. The total site area is approximately 53.9 hectares.

The site is contained wholly within the Rural Residential Zone. The site is burdened by Easement P along the length of the Clark and Swendson Road frontage, which burdens the site in favour of Ergon Energy for the purposes of electrical works. Easement P contains existing services infrastructure and will be dedicated as New Road, based on historical agreements with Council.

The 'new road' is intended to protect the roadside vegetation along Clark and Swendson Road, and a similar outcome has been achieved along the frontage of Lots 2-5 RP898968 to the south of the subject site.

The existing dwelling on site is connected to electricity, telecommunications, and an on-site wastewater treatment system.



Figure 1: Aerial of Subject Site Source: Queensland Globe

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2.2 Surrounding Land Uses

The subject site is located approximately 3.0 kilometres from the centre of Kingaroy. The parcel of land is identified as a large greenfield site being approximately 53.9 hectares in area and within the Rural Residential Zone.

As identified in Figure 2 (below) the sites to the south, south-west and north-east are within the Rural Residential Zone and comprise detached dwellings on large lots. The lot to the north is within the Rural Zone, and land to the west/north-west is within the Emerging Communities Zone.

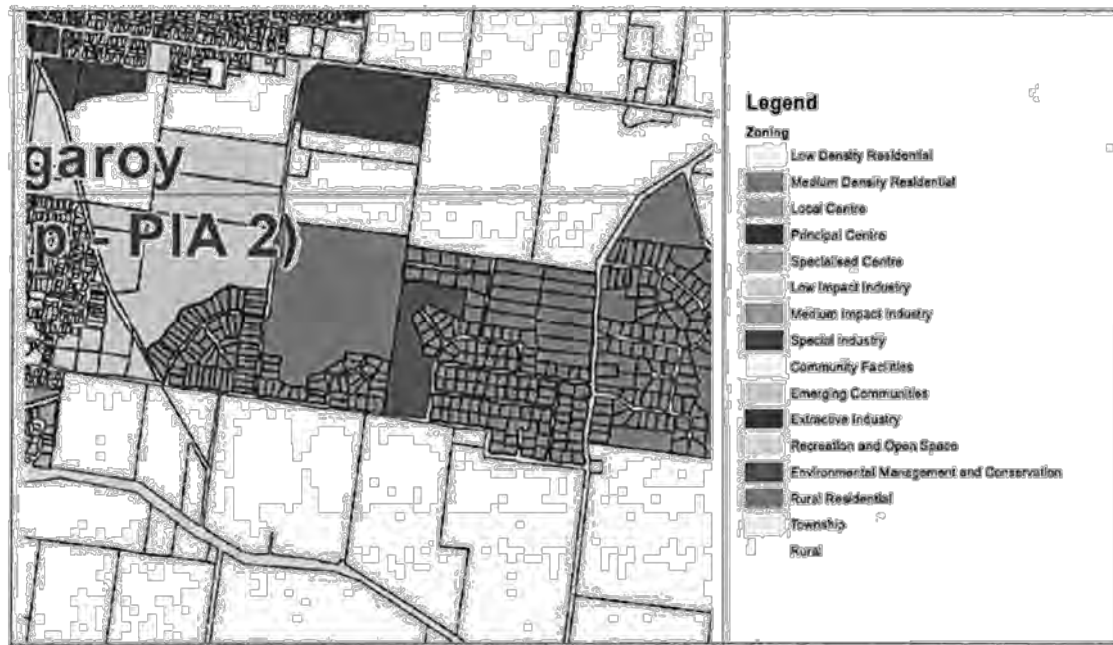


Figure 2: Zone Map Source: South Burnett Planning Scheme 2017

The subject site is within an established rural residential area typically containing detached dwellings on large lots, which defines the character of the locality. The existing development pattern in the immediate vicinity maintains an open rural character.

The Swickers Bacon Factory is located to the north of the site, is within the Special Industry Zone and accessed from Kingaroy Barkers Creek Road.

The subject site is outside the Sensitive Uses Separation Area (500m buffer) to the Swickers Bacon Factory.

3.0 APPLICATION AND PROPOSAL DETAILS

3.1 Application Type

The application seeks a Development Permit for a Reconfiguration of a Lot (1 into 2 lots). The reconfiguration of a lot is proposed to formalise a house lot for the existing dwelling on site and create a balance lot for future development.

In addition to the land division the Applicant has requested that a 3 metre strip of land along the Clark and Swendson Road frontage be amalgamated into the road reserve through this application.

3.2 The Proposal

The proposed development involves the reconfiguration of a lot to create a house lot and a balance lot for future redevelopment. The relevant details of lot sizes are tabled as listed below:

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Lot design	Proposed	SBRC Scheme Table 8.4.2 requirements
Minimum area	2.1 hectares	2 hectares
Maximum area	51.7 hectares (ex road dedication)	Not Applicable
Minimum road frontage	185.7m	80m

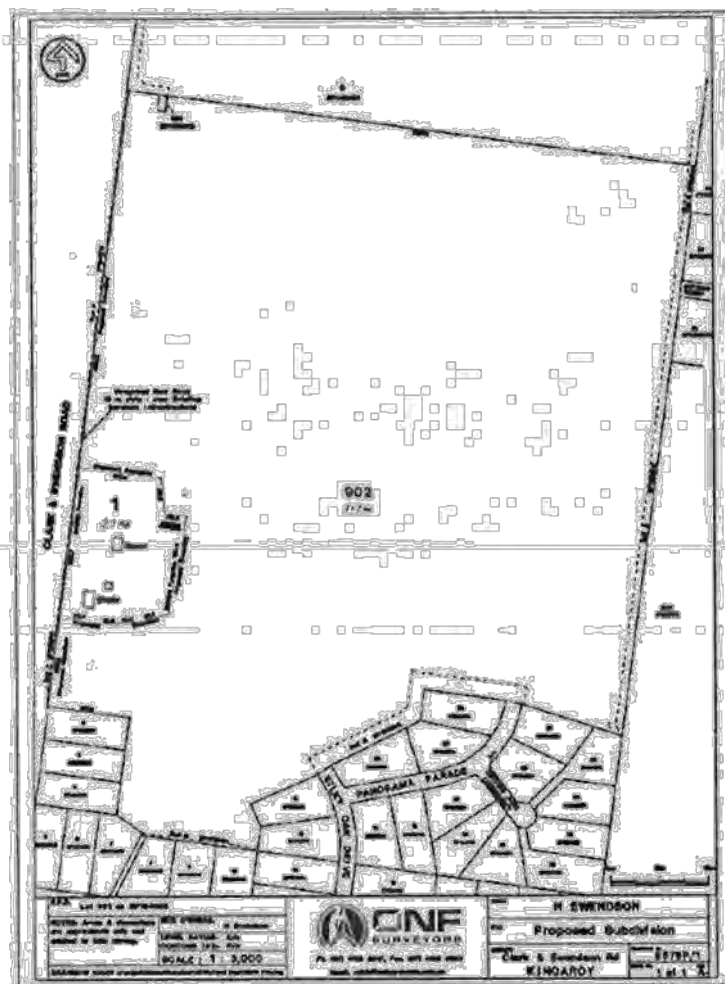


Figure 3: Proposed Lot Layout

A single existing access point is provided from Clark and Swendson Road to the house lot, with access to the balance lot also available from Clark and Swendson Road.

A road dedication is required for a width of 3 metres for the full length of the western boundary (road frontage). The land to be dedicated for new road at no cost to Council and is located within existing Easement P on SP231711. Easement P contains existing services infrastructure.

The site incorporates minimal fall across the site towards Clark and Swendson Road. The house lot will retain stormwater discharge to the existing legal point of discharge. The site has appropriate connections to electricity and telecommunications.

The house lot (proposed Lot 1) is serviced by an on-site wastewater treatment system, and the system including dispersal areas will be contained within the proposed lot boundaries. The balance lot is not proposed to be serviced until such time as the lot is development, however a connection to all necessary services can be achieved.

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3.3 Application History

The subject site is the balance lot of multiple stages of a subdivision approval to create Swendson Place, situated to the south of the subject site. The most recent approval for Stage D of Swendson Place was originally granted in 2005, with an Extension Application assessed and approved by South Burnett Regional Council, extending the currency period to 4 May 2023.

The 3 metre wide easement (Easement P) was proposed during the application process, starting with the initial plan submission (O'Reilly 1996, Plan No. 898968). The landowner (Applicant) has always made provision within proposed plans for utility service providers to install infrastructure within the boundary of their land so as to protect the roadside vegetation.

In approximately 2004, the landowner accepted a suggestion by Council to continue to provide for a 3m buffer for utility services within further development stages along the Clark and Swendson roadway.

We note that the land dedication is not binding in any known infrastructure agreement, nor is it captured by any infrastructure planning in the planning scheme.

Council Information Request

An information request was issued by Council on 29 April 2020 in relation to the application.

The issues raised were in relation to:

- Proposed new road reserve, and the purpose and ownership of Easement P;
- Access arrangements, in particular consistency with previous approvals and flood free access;
- Lot design;
- Stormwater discharge.

The Applicant provided a response to the information request on 10 June 2020, which satisfies the issues raised.

3.4 Public Notification

The application is subject to code assessment and is not required to be publicly notified.

3.5 Referral Agencies

The proposal does not trigger referral assessment.

4.0 TOWN PLANNING CONTEXT

This section provides an overview of the town planning context at the date the application was made.

4.1 State and Regional Planning Context

A summary of the applicable State and regional planning instruments is provided in Table 1.

Table 1 - State and Regional Planning Instruments Overview

State and Regional Planning Instruments	
Wide Bay Burnett Regional Plan	Rural Living Area
State Planning Policy	Nil
• The SPP is reflected in the South Burnett Regional Planning Scheme 2017	

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4.2 Local Planning Context

A summary of the applicable provisions of the South Burnett Regional Council Planning Scheme 2017 is provided in Table 2.

Table 2 – Summary of Local Planning Instrument

Current Planning Scheme	
Planning Scheme	South Burnett Regional Council Planning Scheme 2017
Zone	Rural Residential Zone
Applicable Overlays	<ul style="list-style-type: none"> ▪ Airport Environs Overlay – Between 3km and 8km ▪ Flood Hazard Area ▪ Agricultural Land <ul style="list-style-type: none"> ○ Class A – Agricultural Land Classification ○ Important Agricultural Areas
Level of Assessment	Code Assessment
Applicable Codes	Rural Residential Zone Code Reconfiguring a Lot Code Services and Works Code
Priority infrastructure plan	<p>The site is not within the Priority Infrastructure Area.</p> <p>The site is in the Kingaroy Catchment Area for Transport Network and Water Supply.</p> <p>The Local Government Infrastructure Plan does not identify any works that are applicable to these networks.</p>

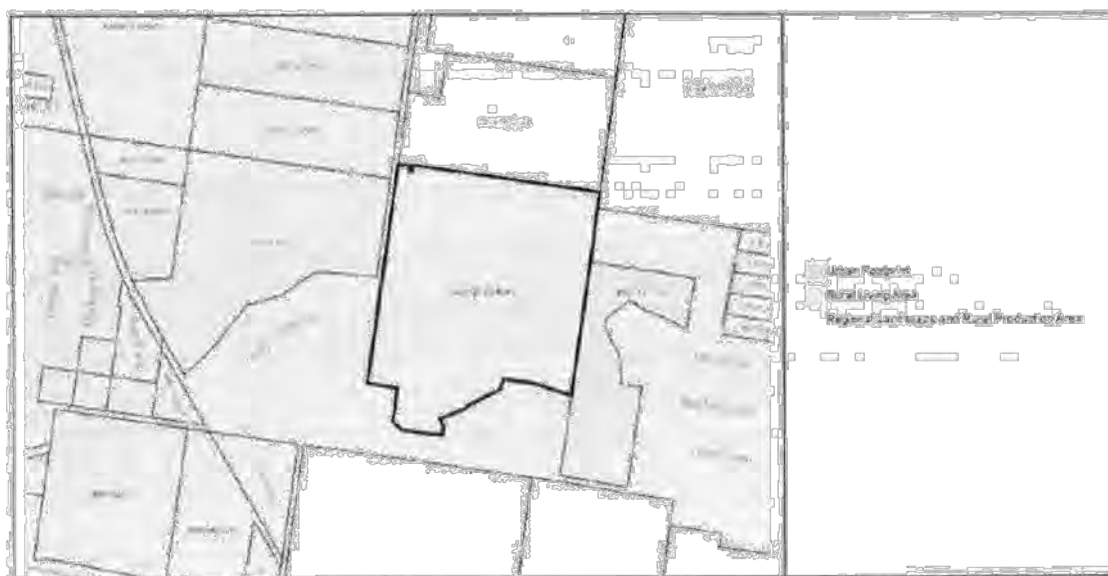
5.0 PLANNING ASSESSMENT

5.1 State Planning Policy

There are no matters of state significance that affect this site, and accordingly the application has not been assessed against the State Planning Policy.

5.2 Wide Bay Burnett Regional Plan

The Wide Bay Burnett Regional Plan (WBBRP) designates the site in the Rural Living Area, which identifies land that are, or can be, developed for rural residential purposes to ensure that future development is appropriately located, and services and facilities are accessible to residents. The proposal does not conflict with the Regional Plan.



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Figure 3: Regional land use categories (Source: Queensland Government DA mapping system)

5.3 South Burnett Regional Planning Scheme 2017 (v1.2)

5.3.2 Rural Residential Zone


6.2.14 Criteria for assessment – Rural Residential Zone

Performance outcome	Acceptable outcome	Comment
General		
<p>PO1 Buildings and structures must complement the semi-rural character of nearby development and protects residential amenity.</p>	<p>AO1.1 Site cover does not exceed 10%.</p> <p>or</p> <p>AO1.2 Buildings and structures are not higher than 8.5m above ground level.</p> <p>and</p> <p>AO1.3 Buildings have a minimum set back of: (a) 10m to the road frontage; (b) 6m to a side or rear boundary.</p> <p>and</p> <p>AO1.4 The maximum length of any façade without articulation or change of materials is 15m.</p> <p>and</p> <p>AO1.5 On-site storage areas visible from outside the site are screened by a 1.8m high fence along intervening boundaries.</p> <p>and</p> <p>AO1.6 Outdoor lighting is designed, installed and maintained in accordance with AS4282 – Control of the Obtrusive Effects of Outdoor Lighting</p>	<p>Not Applicable. No buildings are proposed as part of this application.</p>
<p>PO2 Development minimises the potential for reverse amenity impacts for adjoining existing non-residential activities.</p>	<p>AO2.1 A well-maintained vegetative buffer is provided on the residential land between the residential development and</p>	<p>Not Applicable. The land adjoining proposed Lot 902 at the north is in the Rural Zone. It appears from</p>

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<p>A</p>	<p>adjacent existing non-residential use.</p>	<p>aerial images that no built form exists on the site, and therefore it is assumed that the land is used for agricultural purposes.</p> <p>The form of development on Lot 902 will be the subject of a future development application and the buffer and impacts associated with a rural use can be addressed at that stage.</p> <p>Proposed Lot 1 (house lot) is situated between approved Stage D of Swendson Place (south) and the park contribution required by the Stage D approval (north).</p> <p>As such, no vegetated buffer is required as both adjoining lots are for rural residential or associated activities.</p>
<p>PO3 Dwellings are to be adequately serviced.</p>	<p>AO3.1 Where in a reticulated water supply area, development is to be connected to the supply network.</p> <p>or</p> <p>AO3.2 Where reticulated water supply is not available, a 45kl water tank is provided for each dwelling for consumption purposes and an additional 22.5kl water storage located no more than 10m from the main dwelling is available for fire fighting purposes.</p> <p>and</p> <p>AO3.3 The provision of on-site sewage treatment conforms to the requirements of the Queensland Plumbing and Wastewater Code.</p> <p>and</p> <p>AO3.4 Each dwelling is provided with a service line connection to the electricity supply and</p>	<p>Complies – to be conditioned.</p> <p>The existing dwelling on proposed Lot 1 is connected to water supply, telecommunications and electricity. On-site wastewater treatment is provided for the existing dwelling on proposed Lot 1.</p> <p>The proposed lots have access to Clark and Swendson Road which is a sealed bitumen road.</p> <p>A condition to direct stormwater to a legal point of discharge is included.</p>

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	<p>telecommunications networks and</p> <p>AO3.5 Stormwater discharge must be to a lawful point of discharge or to downstream properties but only with the consent of the affected landowners.</p> <p>and</p> <p>AO3.6 Development has direct access to a sealed road.</p>	
<p>PO4 Development is located and designed to ensure that land uses are not exposed to: (a) Areas that pose a health risk from previous activities; and (b) Unacceptable levels of contaminants.</p>	<p>AO4.1 Development does not occur: (a) in areas that pose a health risk from previous activities; and (b) on sites listed on the Contaminated Land Register or Environmental Management Register.</p> <p>or</p> <p>AO4.2 Areas that pose a health risk from previous activities and contaminated soils which are subject to development are remediated prior to plan sealing, operational works permit, or issuing of building works permit.</p>	<p>Complies. The Applicant has indicated that the site is not on land listed on the CLR or EMR.</p>
<p>Section 2 Where in the vicinity of an existing intensive animal industry</p>		
<p>PO5 Non-rural development does not compromise the integrity and operations of intensive animal industries.</p>	<p>AO5.1 Non-rural development does not result in an increase in the number of people living or working within 500m from an existing or approved intensive animal industry facility.</p>	<p>Complies. The proposed lots are not within 500 metres of an existing intensive animal industry.</p>
<p>Section 3 Home based business</p>		
<p>PO6-PO8 Not Applicable. The proposed development is not for a home based business.</p>		
<p>Section 4 Secondary dwelling</p>		
<p>PO9 Not Applicable. the proposed development is not for a secondary dwelling.</p>		

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Section 5 For development affected by one or more overlays		
Airport Environs Overlay		
Public Safety Area		
PO10 Not Applicable. The proposed development is not located in a public safety sub-area.		
Wildlife hazards sub-area		
<p>PO11 Development does not significantly increase the risk of wildlife hazard particularly flying vertebrates, such as birds and bats, intruding within an airport operational airspace.</p>	<p>AO11.1 Development located within 3 km of an airport runway as depicted on Overlay Map 01 does not include turf farms, fruit tree farms, piggeries, show grounds, food processing plants or food, organic waste or putrescible waste facilities.</p> <p>Development for the purposes of dairy or poultry farms, outdoor sport and recreation, non-putrescible waste facility or sewage treatment facilities ensure landscaping and drainage works (including artificial water bodies) minimise bird and bat attracting potential.</p> <p>and</p> <p>AO11.2 Development located between 3 km and 8 km of an airport runway as depicted on Overlay Map 01 for turf farms, fruit tree farms, piggeries, show grounds, food processing plants, food, organic waste or putrescible waste facilities, dairy or poultry farms, outdoor sport and recreation or sewage treatment facilities ensures potential food or waste sources are covered and collected so that they are not accessible to wildlife.</p>	<p>Complies. The proposed subdivision does not involve any development listed in AO11.2.</p>
Biodiversity overlay		
PO12 – PO14 Not Applicable. The site does not contain areas of environmental significance.		
Bushfire hazard overlay		
PO15 – PO17 Not Applicable. The site is not affected by bushfire hazard.		

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Flood hazard overlay		
<p>PO18 Development is not exposed to risk from flood events by responding to flood potential and maintains personal safety at all times.</p>	<p>AO18.1 All new allotments include an area of sufficient size to accommodate the intended land use outside the area identified on Overlay Map 03.</p> <p>and</p> <p>AO18.2 New buildings are not located within the area identified on Overlay Map 03.</p> <p>Or</p> <p>AO18.3 Development is sited above the 1%AEP flood event where known, or the highest known flood event, as follows:</p> <ul style="list-style-type: none"> (a) Habitable floor levels - 500mm; (b) Non-habitable floor levels - 300mm; (c) On-site sewage treatment and storage areas for potential contaminants - 300mm; (d) All other development - 0mm. <p>and</p> <p>AO18.4 Building work below the nominated flood level allows for the flow through of flood water at ground level:</p> <ul style="list-style-type: none"> (a) The structure below flood level is unenclosed; or (b) Any enclosure below flood level aligns with the direction of water flow; or (c) Any enclosure not aligning with the direction of water flow must have openings that are at least 50% of the enclosed area with a minimum opening of 75mm. <p>and</p> <p>AO18.5 Resilient building materials</p>	<p>Complies The Applicant has confirmed, via an information response, that the proposed Lot 1 appears to be situated clear of the flood overlay.</p>

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	<p>are used below the nominated flood level in accordance with the relevant building assessment provisions.</p> <p>and</p> <p>AO18.6 Signage is provided on site indicating the position and path of all safe evacuation routes off the site.</p>	
<p>PO19 Development directly, indirectly and cumulatively avoids any significant increase in water flow, velocity or flood level, and does not increase the potential for flood damage either on site or other properties.</p>	<p>AO19.1 Works associated with the proposed development do not:</p> <ul style="list-style-type: none"> (a) involve a net increase in filling greater than 50m³; or (b) result in any reductions of on-site flood storage capacity and contain within the site any changes to depth / duration/velocity of flood waters; or (c) change flood characteristics outside the site in ways that result in: <ul style="list-style-type: none"> (i) loss of flood storage; (ii) loss of/changes to flow paths; (iii) acceleration or retardation of flows; or (iv) any reduction in flood warning times. 	<p>Not Applicable. The proposed development does not involve works which will involve filling or alteration of flood storage capacity.</p>
<p>PO20 Community infrastructure in any area mapped as Flood Hazard is able to function effectively during and immediately after flood.</p>	<p>No outcomes specified.</p>	<p>Not Applicable. The proposed development does not involve community infrastructure.</p>
<p>Landslide hazard overlay</p>		
<p>PO21 – PO23 Not Applicable. The site is not affected by the landslide hazard overlay.</p>		
<p>Regional infrastructure overlay</p>		
<p>PO24 – PO26 Not Applicable. The site is not affected by the regional infrastructure overlay.</p>		
<p>Water Catchments overlay</p>		
<p>PO27 Not Applicable. The site is not affected by the water catchments overlay.</p>		

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5.3.4 Reconfiguring a Lot Code

Performance outcomes	Assessment benchmarks	Response
Section 1 Boundary Realignment		
PO1 – PO2 Not Applicable. The proposed development is a 1 into 2 lot subdivision.		
Section 2 Reconfiguration under a Community Title Scheme		
PO3 – PO6 Not Applicable. The proposed development is not for reconfiguration under a community title scheme.		
Section 3 All other reconfiguration		
PO7 Allotments are of sufficient size and dimensions to meet the requirements of the users and provide for servicing of the intended use.	AO7.1 Development provides that allotment area, dimension and shape are in accordance with the standards in Table 9.4.2. and AO7.2 The minimum allotment size for any rear allotment shall be calculated exclusive of the area of the access corridor of the allotment. and AO7.3 Irregularly shaped allotments are designed to allow a building area of 15m by 10m to be setback 6m from the site frontage.	Complies. Each lot achieves a compliant allotment size, width and shape in accordance with the minimum requirements in Table 8.4.2. No rear lots are proposed The proposed lots are irregularly shaped, however can achieve a building area of 15m x 10m with a 6m setback from the frontage. The irregularity of shape is reflective of the approved lot layout dated 28 April 2005. The southern boundary of proposed Lot 1 aligns with the approved road boundary of Stage 1D, and the northern boundary of proposed Lot 1 aligns with the southern boundary of the park which was provided as part of the Stage 1D approval.
PO8 Lots have lawful, safe and practical access.	AO8.1 Access is provided via either: (a) Direct road frontage; (b) Access strip with a minimum width of 3.5m (for rear lots only); or (c) Access easement with a minimum width of 6m (where lots only have legal road frontage that does not provide, safe or practical access to the existing street network). and	Complies Access for proposed Lot 1 (house lot) will be via Clark and Swendson Road from an existing crossover. Access to proposed Lot 902 is not identified as part of this application. Access is available from Clark and Swendson Road, as well as internal roads that form part of Stage D of Swendson Place once it is

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Performance outcomes	Assessment benchmarks	Response
	<p>AO8.2 Newly created lots do not have direct access to sub-arterial or higher order roads.</p> <p>and</p> <p>AO8.3 Except in the Rural Zone, new lots, are provided with access to a sealed road.</p>	<p>constructed.</p>
<p>PO9 The number of rear lots is minimised having regard to the outlook, topography of the site, intended land use and general amenity of the area.</p>	<p>AO9.1 Only one rear lot is provided behind each full street frontage regular lot.</p> <p>and</p> <p>AO9.2 No more than two rear lot access strips directly adjoin each other.</p> <p>and</p>	<p>Complies. The proposed subdivision layout does not include rear lots.</p>
	<p>AO9.3 No more than two rear lots gain access from the head of a cul-de-sac.</p> <p>and</p> <p>AO9.4 Rear lots are only created where the site gradient is greater than 5%.</p>	

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Performance outcomes	Assessment benchmarks	Response
<p>PO10 The design and construction of new roads:</p> <p>(a) Maintain safe and efficient access to the transport network;</p> <p>(b) Creates integrated neighbourhoods; and</p> <p>(c) Are constructed to a standard that is commensurate with the intended use of allotments.</p>	<p>AO10.1 Intersection shall be spaced at no less than 45m from any other intersection.</p> <p>and</p> <p>AO10.2 Any intersections with existing roads shall be treated with a T-intersection or a roundabout.</p> <p>and</p> <p>AO10.3 The road layout indicates connections to adjoining development sites.</p> <p>and</p> <p>AO10.4 Other than in the Rural or Rural Residential Zones, new streets are provided with layback kerb and channel.</p> <p>or</p> <p>AO10.5 In the Rural Residential Zone, new streets are provided with concrete flush kerbs and swale drains.</p>	<p>To be conditioned. It is proposed to amalgamate Easement P into the existing road reserve.</p>
<p>PO11 The provision of services is resistant to inclement weather and does not degrade the character of the area.</p>	<p>AO11.1 Where the reconfiguration involves the opening of a new road, all electricity and telecommunications services are located underground.</p>	<p>To be conditioned. It is proposed to amalgamate Easement P into the existing road reserve through this application process.</p> <p>No change is proposed to the provision of services along Clark and Swendson Road or the purpose of Easement P. The new road is to protect and retain the roadside vegetation along Clark and Swendson Road.</p>

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A

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Performance outcomes	Assessment benchmarks	Response
PO12 Reconfiguration facilitates integration of walking and cycling networks that provide a safe and convenient environment for users having regard to appropriate gradients and distances to be travelled.	No outcome specified.	Not Applicable. The site maintains access for pedestrians and cyclists via Clark and Swendson Road.
PO13 Public open space is provided in response to community need.	AO13.1 Public open space is provided in accordance with the Priority Infrastructure Plan.	Not Applicable. Public open space is not required as part of this proposal.
PO14 Reconfiguration into allotments less than 400m ² in the Medium Density Residential zone is facilitated where design outcomes are consistent with expectations for the zone.	AO14.1 Reconfiguration in the Medium Density Residential zone involving allotments less than 400m ² where creating allotments for individual units in an approved and completed multiple dwelling or dual occupancy.	Not Applicable. Development is not proposed in the Medium Density Residential zone.
PO15 Reconfiguration into allotments less than 400m ² in the Medium Density Residential zone is to provide for suitable living environments.	For allotments less than 400m ² AO15.1 All lots are orientated to within 20° of north. AO15.2 All lots are to be sized and shaped to accommodate a 10m x 20m rectangle.	Not Applicable. Development is not proposed in the Medium Density Residential zone.
Section 4 All reconfiguring a lot subject to an overlay		
Agricultural Land overlay		
PO16 The productive capacity and utility of agricultural land for rural activities is maintained.	AO16.1 In the Rural zone only, no additional allotments are created in the area identified as agricultural land on SPP Interactive Mapping (Plan Making); or AO16.2 In the Rural zone only, a Farm management plan prepared by a suitably qualified agronomist demonstrates that the existing productivity of the land area is not reduced.	Not Applicable The site is not in the Rural Zone.
Airport environs overlay		
Public safety sub-area		
PO17 Not Applicable. The site is not within the public safety area.		

Approved by Delegated Authority: 

Date: 26/6/2020

Biodiversity Overlay		
PO18 Not Applicable. The site is not affected by the Biodiversity overlay.		
Bushfire hazard overlay		
PO19 Not Applicable. The site is not affected by the bushfire overlay.		
Flood hazard overlay		
PO20 Development directly, indirectly and cumulatively avoids any significant increase in water flow, velocity or flood level, and does not increase the potential for flood damage either on site or other properties.	AO20.1 All new allotments include an area of sufficient size to accommodate the intended land use outside the area identified on Overlay Map 03.	Complies Proposed Lot 1 is situated clear of the flood overlay. Proposed Lot 902 is affected by the flood overlay along the western boundary, however there is sufficient area to accommodate residential dwellings and the overlay will be addressed by a future development application for that purpose.
PO21 Development directly, indirectly and cumulatively avoids any significant increase in water flow, velocity or flood level, and does not increase the potential for flood damage either on site or other properties.	AO21.1 Works associated with the proposed development do not: (a) involve a net increase in filling greater than 50m ³ ; or (b) result in any reductions of on-site flood storage capacity and contain within the site any changes to depth / duration/velocity of flood waters; or (c) change flood characteristics outside the site in ways that result in: (i) loss of flood storage; (ii) loss of/changes to flow paths; (iii) acceleration or retardation of flows; or (iv) any reduction in flood warning times.	Complies. The proposed development does not involve works that will cause filling or reduction of on-site flood storage capacity.
Regional infrastructure overlay		
PO22 Not Applicable. The site is not affected by the regional infrastructure overlay.		
Waterways, wetlands and catchments overlay		
PO23 Not Applicable. The site is not affected by the waterways, wetlands and catchment overlay.		

Approved by Delegated Authority:

Date: 20/6/2020

5.3.5 Services and Works Code

Performance outcomes	Assessment benchmarks	Response
Section 1 General		
<p>PO1 The development is planned and designed considering the land use constraints of the site for achieving stormwater design objectives.</p>	<p>AO1.1 A stormwater quality management plan provides for achievable stormwater quality treatment measures that meet the design objectives identified in Table 9.4.4.</p>	<p>Not Applicable. The subdivision comprises an existing house lot and a balance lot for future redevelopment.</p> <p>The existing house lot has established stormwater infrastructure. A condition to ensure stormwater is directed to a legal point of discharge is included.</p> <p>The balance lot (proposed Lot 902) will be subject to a development application, during which appropriate stormwater management can be determined.</p>
<p>PO2 Development does not discharge wastewater to a waterway or off-site unless demonstrated to be best practice environmental management for that site.</p>	<p>AO2.1 A wastewater management plan prepared by a suitably qualified person and addresses: (a) wastewater type; (b) climatic conditions; (c) water quality objectives; (d) best-practice environmental management;</p> <p>and</p> <p>AO2.2 Wastewater is managed in accordance with a waste management hierarchy that: (a) avoids wastewater discharge to waterways; or (b) minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and groundwater</p>	<p>Complies. The existing dwelling on proposed Lot 1 is serviced by an on-site wastewater treatment and disposal system. Treated wastewater is dispersed over the site and is not discharged to a waterway.</p> <p>A future development on proposed Lot 902 will be required to demonstrate compliance with PO2.</p>

Approved by Delegated Authority: *[Signature]*

Date: 26/6/2020

Performance outcomes	Assessment benchmarks	Response
<p>PO3 Construction activities avoid or minimise adverse impacts on stormwater quality.</p>	<p>AO3.1 An erosion and sediment control plan addresses the design objectives for the construction phase in Table 9.4.4.</p>	<p>Not Applicable. The proposed subdivision is to establish a boundary around an existing house lot. No earthworks are proposed or permitted under this approval, and therefore standard erosion and sediment control condition is appropriate.</p>
<p>PO4 Operational activities avoid or minimise changes to waterway hydrology from adverse impacts of altered stormwater quality and flow.</p>	<p>AO4.1 Development incorporate stormwater flow control measures to achieve the design objectives for the post-construction phase in Table 9.4.4.</p>	<p>Not Applicable. The proposed development does not require stormwater flow control measures.</p>
<p>Section 2 Infrastructure</p>		
<p>PO5 Development is provided with infrastructure which: (a) conforms with industry standards for quality; (b) is reliable and service failures are minimised; and (c) is functional and readily augmented.</p>	<p>AO5.1 Except in the Rural zone, all development occurs on a site with frontage to a sealed road. and: AO5.2 Infrastructure is designed and constructed in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>	<p>Complies. The proposed lots each have a frontage to a sealed road.</p>

Approved by Delegated Authority



Date 26/6/2020

Section 3 Vehicle Parking

AO6
Vehicle parking and access is provided to meet the needs of occupants, employees, visitors and other users.

AO6.1
Vehicle parking spaces are provided on-site in accordance with Table 9.4.5.

Not Applicable.
The proposed development is a subdivision to create a lot for an existing dwelling and balance lot.

and

AO6.2
A service bay is provided on-site for the service vehicle nominated in Table 9.4.5.

The existing driveway crossing for proposed Lot 1 will not be altered as part of this application.

and

AO6.3
Driveway crossings are provided to the standard contained in PSP1 – Design and Construction Standards.

Access to proposed Lot 902 can be taken via Clark and Swendson Road or via the proposed extension to Silky Oak Drive within approved Stage D of Swendson Place.

and

AO6.4 Vehicle parking and manoeuvring areas are provided in accordance with the standards contained in PSP1 – Design and Construction Standards.

The configuration of access to the balance lot is not known, however there are suitable options for vehicle access.

Approved by Delegated Authority



Date: 26/6/2020

Section 4 Landscaping		
<p>AO7 Landscaping is appropriate to the setting and enhances local character and amenity.</p>	<p>AO7.1 Landscaping is provided in accordance with the relevant zone code provisions.</p> <p>and</p> <p>AO7.2 Where shade tree planting is required in vehicle parking areas each planting bed has a minimum area of 2m² and is unsealed and permeable.</p> <p>and</p> <p>AO7.3 Plantings along frontages or boundaries are in the form of defined gardens with three tier planting comprised of groundcovers, shrubs (understorey), and trees (canopy) and provided with a drip irrigation system, mulching and border barriers.</p>	<p>Not Applicable.</p> <p>The land adjoining proposed Lot 902 at the north is in the Rural Zone. It appears from aerial images that no built form exists on the site, and therefore it is assumed that the land is used for agricultural purposes.</p> <p>The form of development on Lot 902 will be the subject of a future development application and the buffer and impacts associated with a rural use can be addressed at that stage.</p> <p>Proposed Lot 1 (house lot) is situated between approved Stage D of Swendson Place (south) and the park contribution required by the Stage D approval (north).</p> <p>As such, no vegetated buffer is required as both adjoining lots are for rural residential or associated activities.</p>
<p>PO8 Plant species avoid adverse impacts on the natural and built environment, infrastructure and the safety of road networks.</p>	<p>AO8.1 Landscaping utilises plant species that are appropriate for the location and intended purpose of the landscaping.</p> <p>and</p> <p>AO8.2 Species selection avoids non-invasive plants.</p>	<p>Not Applicable. Landscaping is not required by the zone code, and no condition is recommended.</p>
Section 5 Filling and Excavation		
<p>PO9 – PO11 Not Applicable. The proposed development does not involve filling and excavation.</p>		
Section 6 All operational work subject to an overlay		
<p>PO12 – PO18 Not Applicable. The proposed development does not involve operational work.</p>		

Approved by Delegated Authority

Date: 26/6/2020

6.0 PLANNING CONSIDERATIONS

All proposed lots meet the minimum requirements for lots located within the Rural Residential Zone. For this reason, the application triggers code assessment pursuant to the South Burnett Regional Council Planning Scheme. All other relevant overlays do not change the level of assessment for the development.

Each lot has access to adequate road frontage, and services relating to electricity, telecommunications, water supply and wastewater disposal to be able to accommodate the existing dwelling and future residential land uses.

It is recommended that access to reticulated water be included/demonstrated as part of any future application for proposed Lot 902.

A stormwater management plan is not considered relevant to this application, however will be required for future development of proposed Lot 902 for residential land uses.

The Applicant has not provided detail demonstrating how stormwater is discharged from the existing dwelling on proposed Lot 1, and has advised that the 'existing non-worsening stormwater discharge for the dwelling is to be retained' (Information Response). A condition relating to the discharge of stormwater is included as part of the recommended conditions.

While development of proposed Lot 902 is not dependent on Stage D Swendson Place for access and development of the balance lot appears to be proposed in an orderly sequence, Council should be aware that the approval for construction of Stage D will lapse on 4 May 2023.

Condition ENG 4 is for land dedication for road reserve at no cost to Council. This condition requires that the Applicant realign the road reserve boundary at the time of the plan sealing. The condition does not require the Applicant to carry out any works to construct a new road within the corridor.

Council should be aware that the dedication condition may translate to an infrastructure conversion application at a later time. To reduce any risks for Council to enter into an infrastructure agreement or offset agreement, it is recommended no works be required from the applicant to construct anything within the area to be dedicated.

The proposed sites are relatively free of constraints, with the exception of the Flood Hazard Overlay which affects the western part of proposed Lot 902. The mapped constraint is situated beyond the northern boundary of proposed Lot 1 and will not affect the existing dwelling. Further analysis of the flood overlay and its implications will be required as part of any future application for development of proposed Lot 902.

7.0 RELEVANT MATTERS

See recommended conditions.

8.0 CONTRIBUTIONS / CHARGES

Adopted infrastructure charges apply to the new lots.

9.0 CONCLUSION

The subject site is zoned for Rural Residential purposes which supports residential uses on large lots, clustered to protect residential amenity and the semi-rural landscape associated with the zone.

The reconfiguration of a lot meets the minimum requirements for lot sizes in the Rural Residential Zone and has been assessed as a code assessable application.

The proposed reconfiguration of a lot provides for a balance development lot that will be reflective of the earlier stages of Swendson Place, and

Approved by Delegated Authority:



Date: 26/6/2020

Proposed Lot 902 is affected by the Flood Overlay mapping. Any future development on this balance lot will be required to respond to the Code and any relevant building requirements.

It is recommended that the proposed reconfiguration of a lot (1 into 2 lots) be approved as shown on the proposed layout plan and subject to the conditions recommended herein.

11.0 GROUNDS FOR APPROVAL

- The subject site is located wholly within the Rural Residential Zone. The lots created are in accordance with the minimum requirements of Table 8.4.2 as identified with the South Burnett Regional Council Planning Scheme.
- The use is code assessable and the development outcome, given the appropriate lot sizes and dimensions, is anticipated in the zone.
- The lots provide for appropriate access, connections to water supply, electricity and telecommunications, and provision of onsite wastewater treatment and disposal.
- The Applicant has demonstrated that proposed Lot 1 is located outside areas affected by the Flood Overlay. Lot 902 is affected by the Flood Overlay and this matter will be addressed in a future development application.
- The reconfiguration of a lot formalises the boundary of the existing dwelling and sheds on site, and provides clarity about the location of the lot between approved Stage D of Swendson Place and the park required by the same stage.
- The proposed reconfiguration does not preclude the development from being undertaken in a structured and coordinated sequence.
- Conditions can be applied to an approval which manages stormwater discharge and appropriate landscaping buffer to the rural zoned lot at the north of the subject site.

Overall, there are no conflicts that could not be overcome by way of conditions of approval.

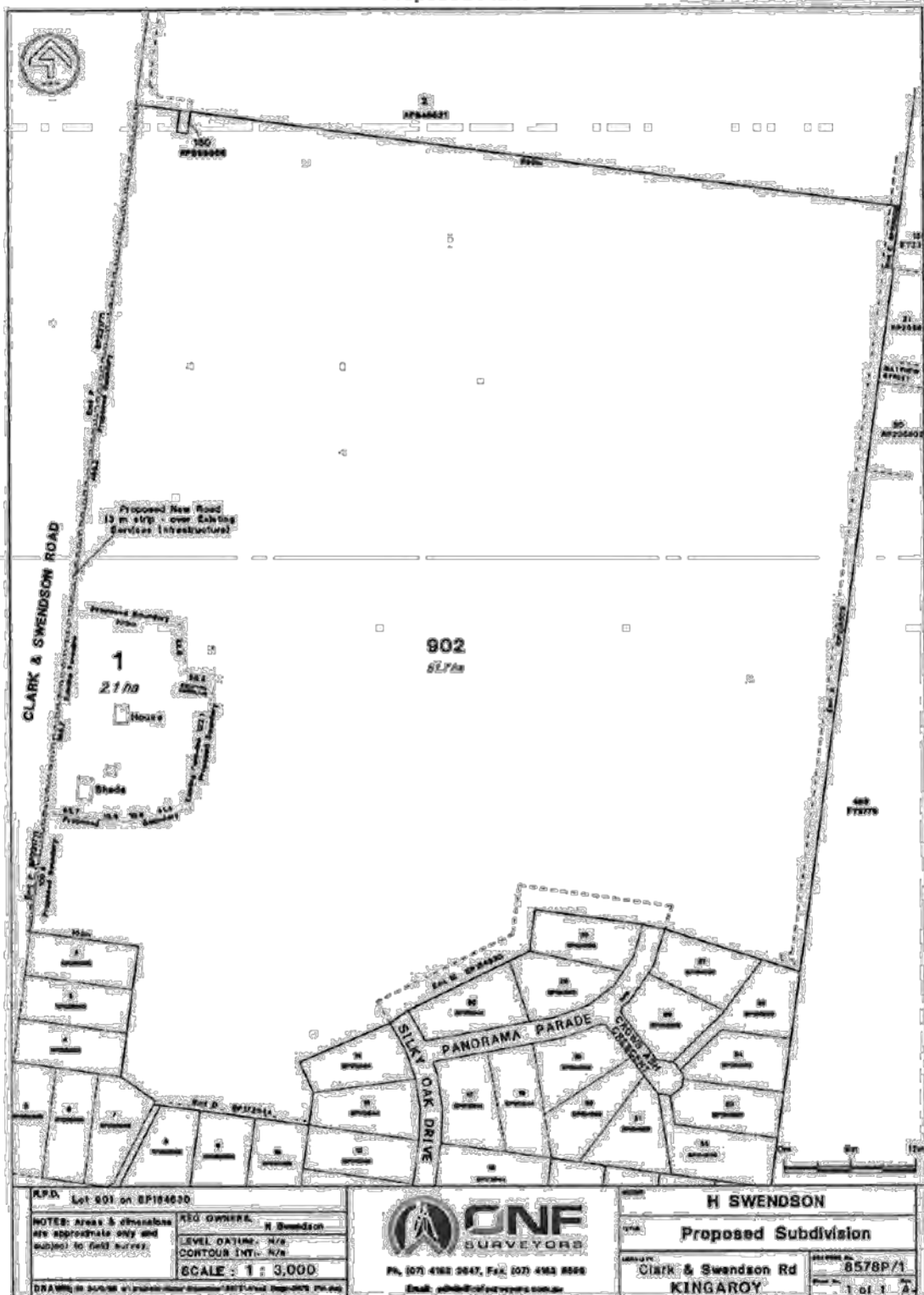
As such, the development can be approved subject to strict adherence to the conditions contained herein.

Approved by Delegated Authority:



Date: 26/6/2020

Attachment A
Proposed Plans



RAL20/0003 – 143 Clark & Swendson Road, Kingaroy

30 of 37

Approved by Delegated Authority:



Date: 26/6/2020

Attachment B
Infrastructure Charges

INFRASTRUCTURE CHARGES NOTICE
(Section 119 of the Planning Act 2016)

APPLICANT: H Swendson

APPLICATION: RAL20/0003

DATE: 26 June 2020

AMOUNT OF THE LEVIED CHARGE: **\$12,252.00** **Total**
(Details of how these charges were calculated are shown overleaf)

\$9,842.00	Water Supply Network
\$0.00	Sewerage Network
\$2,410.00	Transport Network
\$0.00	Parks and Land for Community Facilities Network
\$0.00	Stormwater Network

AUTOMATIC INCREASE OF LEVIED CHARGE: The amount of the levied charge is subject to an automatic increase. Refer to the information attached to this notice for more information on how the increase is worked out.

PREMISES TO WHICH CHARGE APPLIES: Lot 901 SP184630

SITE ADDRESS: 143 Clarke & Swendson Rd, Kingaroy

PAYABLE TO: South Burnett Regional Council

WHEN PAYABLE: Reconfiguring a Lot – When South Burnett Regional Council approves the Plan of Subdivision.
(In accordance with the timing stated in Section 122 of the Planning Act 2016)

OFFSET OR REFUND: Not Applicable.

This charge is made in accordance with South Burnett Regional Council's *Charges Resolution (No. 3) 2019*

Approved by Delegated Authority



Date: 26/6/2020

DETAILS OF CALCULATION

Water Supply

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot (Residential)	2	allotments	\$9,842.00	CR Table 2.3	\$19,684.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lawful use (existing lot)	1	allotment	\$9,842.00	CR Table 2.3	\$9,842.00

Sewerage

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

Transport

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot (Residential)	2	allotments	\$2,410.00	CR Table 2.3	\$4,820.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lawful use (existing lot)	1	allotment	\$2,410.00	CR Table 2.3	\$2,410.00

Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
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Approved by Delegated Authority:



Date: 26/6/2020

Units	Measure		
Not Applicable	-	\$0.00	\$0.00

Stormwater

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Not Applicable	-	-	\$0.00	-	\$0.00

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Reconfiguring a Lot (Residential)	\$9,842.00	\$0.00	\$2,410.00	\$0.00	\$0.00	\$12,252.00
Total	\$9,842.00	\$0.00	\$2,410.00	\$0.00	\$0.00	\$12,252.00

* In accordance with section 120 of the Planning Act 2016.

Yours faithfully

SOUTH BURNETT REGIONAL COUNCIL

CHIEF EXECUTIVE OFFICER

Approved by Delegated Authority



Date: 26/6/2020

IMPORTANT INFORMATION

Appeals

A person who has been given, and is dissatisfied with an Infrastructure Charges Notice or Negotiated Infrastructure Charges Notice has, under s229(1) and Schedule 1 of the *Planning Act 2016*, the right to lodge an appeal to the Planning and Environment Court or a Development Tribunal.

The timeframes for starting an appeal in the Planning and Environment Court or Tribunal are set out in s.229(3) of the *Planning Act 2016*.

Section 229(6) and Schedule 1 of the *Planning Act 2016* states the grounds for appealing an Infrastructure Charges Notice or Negotiated Infrastructure Charges Notice.

Automatic Provision of rate (\$)

Increase of charge

An infrastructure charge levied by South Burnett Regional Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI average¹. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.

However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Council could have levied for the development at the time the charge is paid.

GST

The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the *Planning Act 2016* are GST exempt.

Making a Payment

This Infrastructure Charges Notice cannot be used to pay your infrastructure charges.

To pay the levied charge, you must request an Itemised Breakdown showing the total levied charge payable at the time of payment. An Itemised Breakdown must be presented at the time of payment.

¹ 3-yearly PPI average is defined in section 114 of the *Planning Act 2016* and means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters. PPI Index is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics.

Approved by Delegated Authority:



Date: 26/6/2020

An Itemised Breakdown may be requested by emailing info@southburnett.qld.gov.au.

Payment can be made at any of the following South Burnett Regional Council Offices:

- 69 Hart Street, Blackbutt, 4314;
- 45 Glendon Street, Kingaroy, 4610;
- 42 Stephens Street West, Murgon, 4605;
- 48 Drayton Street, Nanango, 4615;
- McKenzie Street, Wondai, 4606; or
- via other methods identified on the Itemised Breakdown.

Enquiries

Enquiries regarding this Infrastructure Charges Notice should be directed to the SOUTH BURNETT REGIONAL COUNCIL, Department of Planning and Land Management, during office hours, Monday to Friday by phoning (07) 4189 9100 or email at info@southburnett.qld.gov.au

Approved by Delegated Authority: 

Date: 2/7/2020

Title P&LM - 2686177 - Request for Minor Change to conditions of Development Permit - Material Change of Use For Intensive Animal Husbandry (Aquaculture) at 1135 Barambah Road Moffatdale - Lot 34 RP7168 - Applicant: D & J Rose - MCU2014/0003.01



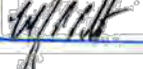
Document Information

ECM ID 2686177

Author Chris Du Plessis – Manager Planning & Land Management

Endorsed By GENERAL MANAGER COMMUNITY

Date 2 July 2020

	SIGNATURE	DATE
MANAGER		2/7/2020
GM		3/7/2020
CEO		3.7.2020

Précis

Request for Minor Change to conditions of Development Permit - Material Change of Use For Intensive Animal Husbandry (Aquaculture) at 1135 Barambah Road Moffatdale - Lot 34 RP7168 - Applicant: D & J Rose - MCU2014/0003.01

Summary

- A request for a Minor Change to the existing conditions under s79 of the *Planning Act 2016* was submitted on the 8 May 2020;
- Original Development Application for an Intensive animal husbandry – Aquaculture was approved on 22 October 2014 with a four (4) year currency period;
- The original application was subject to Concurrence Agency Referrals – Department of Transport and Main Roads and Department of Agriculture, Fisheries & Forestry;
 - Concurrence Agency conditioned development as per the approved plans (submitted as a result of response to their information request);
- Three (3) public submissions were received in response to the development proposal;
- No appeal was lodged by either the applicant or submitters in relation to the Decision Notice;
- No operational works application was submitted within the first two (2) years of the Material Change of Use Development Permit therefore the roll forward provisions under SPA did not apply;
- The applicant requested that Council consider amendments to the conditions of the approval prior to work commencing on site;
- The applicant was advised to make application or a minor change to delete or amend conditions;
- Given that the applicant and Council were negotiating conditions of the approval it is considered that the approval has not lapsed as the applicant did not have certainty regarding the conditions of the approval;
- The conditions requested to be amended or removed relate to stormwater conditions ENG2, ENG4, ENG5 and ENG6.
- Recommended that Council delete obsolete conditions and provide a six year extension to the currency period from 19 December 2014.

Approved by Delegated Authority

Date: 2/7/2020

Officer's Recommendation

- A. That Council approve the change application for a Minor Change, assessed under s81 of the *Planning Act 2016*, to amend the existing conditions as detailed in the report; and
- B. That Council approve an extension to the currency period for six (6) years until 19 December 2020.

(Deleted conditions in strikethrough and new conditions in bold)

General

- GEN1. The subject site is to be developed generally in accordance with the proposal plans prepared by the Applicant (submitted to Council on 12 March 2014) and information submitted with the application.
- GEN2. ~~Section 85 (1)(a) of the Planning Act 2016 provides that, if this approval is not acted upon within the extended currency period ending on 22 October 2020 the approval will lapse.~~
19 DECEMBER 2020.
- GEN3. All works, including the relocation of services (Telstra, lighting etc.) are to be completed at no cost to Council.
- GEN4. The applicant is required to maintain the site in a clean and orderly state at all times, clearing of declared weeds and feral animals.

Compliance Assessment

- GEN5. All conditions of this approval are to be satisfied prior to Council issuing a Compliance Certificate for the commencement of the use, and it is the applicant's responsibility to notify Council to inspect compliance with conditions.

A Compliance Certificate fee will be charged, with payment required prior to Council approval of the associated documentation requiring compliance assessment.

Engineering Designs

- ENG1. All engineering designs submitted to Council for engineering approval shall be certified by a Registered Professional Engineer of Queensland (RPEQ).
- ~~ENG2. All construction operational works shall be supervised by and certified by a Registered Professional Engineer of Queensland (RPEQ) and shall not commence before an Operational Works application form has been submitted and approved by Council's General Manager Infrastructure.~~

Roads and Access

- ENG3. Property access shall be in accordance with the details in the Department of Transport & Main Roads Concurrence Agency response.

Stormwater Drainage

- ENG4. ~~Prior to submitting an application for Operational Works approval, the applicant shall prepare and submit a Stormwater Management Plan with sub-plans including treatments, procedures, detailed engineering designs and engineering design drawings for the civil works for Compliance Assessment by Council's General Manager of Infrastructure, detailing:~~
 - a) drainage paths within and outside the subject property;
 - b) Hydraulic and civil design for stormwater including sizing and location of all proposed piped and channelled flows;
 - c) Location and details of stormwater inlet and outlet structures;
 - d) Stormwater and irrigation layout plans and design details;
 - e) Details of all pre and post development flows;
 - f) Details of any cut or fill required to direct stormwater to a legal point of discharge;

Approved by Delegated Authority:



Date: 2/7/2020

The Stormwater Management Plan shall address the following issues (but shall not be limited to these alone):

- (a) The catch/settlement dam is proposed to be located in the path of stormwater passing between the proposed locations of the Stage 1 and Stage 2 works and the applicant shall provide detailed designs and design drawings of the dam earthworks addressing
 - i. erosion;
 - ii. stormwater bypass that can demonstrably avoid the creation of a new waterway through the property immediately downstream; and
 - iii. avoidance of stormwater overflows; and

Designs for all water retaining structures shall address Council's Planning Scheme Part 3.2.2 Rural Locality Code - D15 (g) Earthworks and include a geotechnical report on:

- i. the nature of the existing strata where excavations are proposed;
- ii. the nature of the material proposed to be used for embankment fill;
- iii. test results from a NATA-registered laboratory;
- iv. certification by a RPEQ that all proposed materials will be suitable for their intended use;
- v. details of remediation where unsuitable materials are encountered; and
- vi. slope stability analysis for all embankments given that slopes are proposed to be steeper than 1 part vertical to 4 parts horizontal, as required by the Rural Locality Code.

All water storage structures are to comprise batters no steeper than 33%, and constructed in accordance with the Murgon Planning Scheme – Rural Locality Code (g) Earthworks. All water storages shall be constructed using suitable earthworks machinery and processes, so that storages are stable, and maintained so as to avoid leakage.


- ENG5: All stormwater drainage infrastructure serving the site including all surface, underground and roof water components shall be designed:
- a) so that a 'nuisance' is not created to the downstream property as defined by in accordance with the requirements of the Queensland Urban Drainage Manual (QUDM) and certified RPEQ engineer;
 - b) so that the development will not make material changes to the pre-development location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves. In the event that a material change to the pre-development stormwater flows will occur, the applicant shall produce evidence to Council's satisfaction of a legal right as to the method for stormwater discharge over the downstream land; and
 - c) such that there is no restriction to existing or developed stormwater flow from upstream properties; and no ponding of stormwater occurs within upstream properties as a result of the development.

ENG6: All stormwater collected from the site including roof water shall be piped to a legal point of discharge, which may include a rainwater storage tank. Such works shall be sized and constructed as determined by the detailed design.

ENG6: Upon construction of the water storages, a statement shall be provided by an RPEQ engineer confirming that the assumptions made in the stormwater management report are still valid in terms of pre/post development discharges, detention (if required), erosion control, and dam failure impact assessment.

Advice

ADV1: Section 341(1)(a) of the Sustainable Planning Act 2009 provides that, if this approval is not acted upon within the period of four (4) years the approval will lapse. Note that in accordance with section 341(7) a related approval may extend the relevant (currency) period.

Approved by Delegated Authority: 

Date: 2/7/2020

ADV2. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

ADV3. Attached for your information is a copy of Division 8 of the *Sustainable Planning Act 2009* as regards Rights of Appeal. With respect to Appeal Rights of Applicants, the following is drawn to your attention—

- a) the applicant's Appeal Period commences upon receipt of this advice and expires twenty (20) business days thereafter.
- b) should the applicant notify the Assessment Manager (Council) in writing of acceptance of the conditions of approval and that it is not intended to make an appeal, the Applicant's Appeal Period is at an end.

Financial and Resource Implications

No implication can be identified.

Link to Corporate/Operational Plan

Growth and Opportunity

GO2 Balanced development that preserves and enhances our region.
GO2.1 Implement Council's planning scheme to support sustainable development of business, industry and community liveability

Communication/Consultation (Internal/External)

External – Nil

Internal – the conditions have been reviewed and amended by Consultant Development Engineer.

Legal Implications (Statutory Basis, Legal Risks)

No implication can be identified.

Policy/Local Law/Delegation Implications

No implication can be identified.

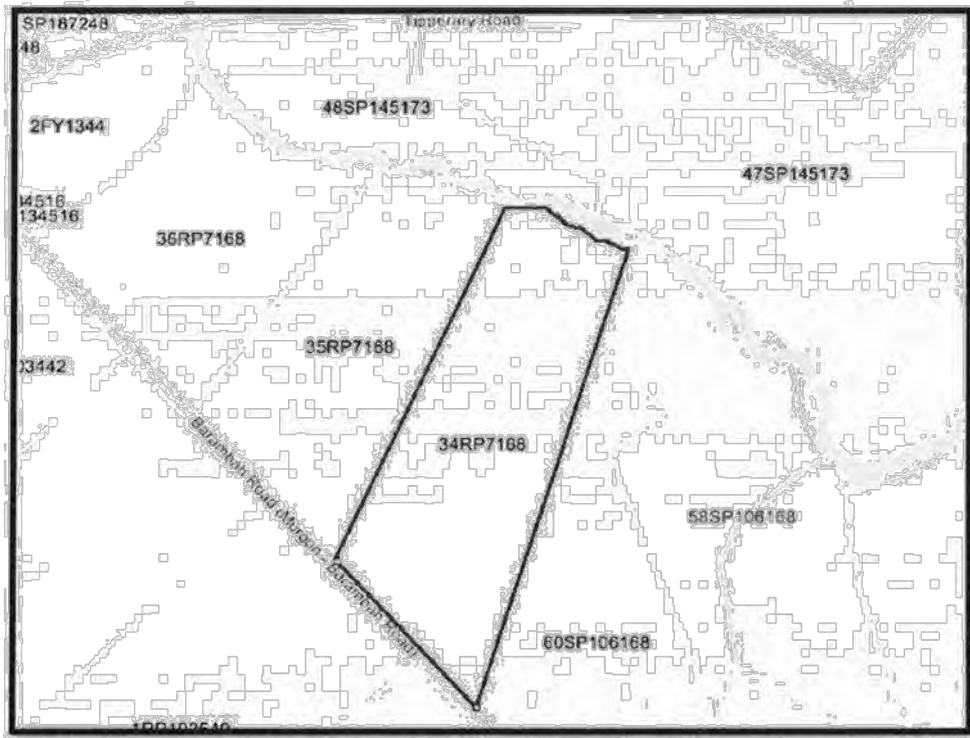
Asset Management Implications

No implication can be identified.

Approved by Delegated Authority:

Date: 2/7/2020

Locality Plan



Source: Intramaps

Aerial Plan



Source: Queensland Globe

Approved by Delegated Authority



Date: 2/7/2020

Report

SITE DETAILS	
Street Address:	1135 Barambah Road MOFFATDALE
RP Description:	Lot 34 on RP7168
State Referral Agencies:	Original Development was referred to:- Department of Transport and Main Roads; and Department of Agriculture, Forestry & Fisheries
Owner	J A Rose & D W Rose

SITE AND LOCALITY DESCRIPTION				
Land Area:	43.40ha			
Existing Use of Land:	Agriculture			
Road Frontage:	Barambah Road (Murgon – Barambah Road)			
Road/s	Road Hierarchy	Width of Road Reserve	Width of Pavement	Road Material
Barambah Road (Murgon – Barambah Road)	State Controlled Road			Bitumen seal
Easements	N/A			
Significant Features:	Site	A farm dam and dwelling. Barambah Creek along the northern boundary of the site and Barambah Road along the southern boundary of the site.		
Topography:	Relatively flat.			
Surrounding Land Uses:	Land Use	Zone/Precinct		
	Rural activities on land in the Rural Zone.			
Services:	Electricity.			

PLANNING SCHEME DETAILS	
Current Planning Scheme:	South Burnett Regional Council Planning Scheme Version 1.3 Commenced 2 October 2017
Zone:	Rural
Precinct:	Nil
Overlays:	Flood Hazard, Agricultural Land
Infrastructure Charges Resolution	Under the South Burnett Regional Council Charges Resolution (No. 3) 2019, the development is not subject to infrastructure charges as there is no building associated with the development.

APPLICATION HISTORY

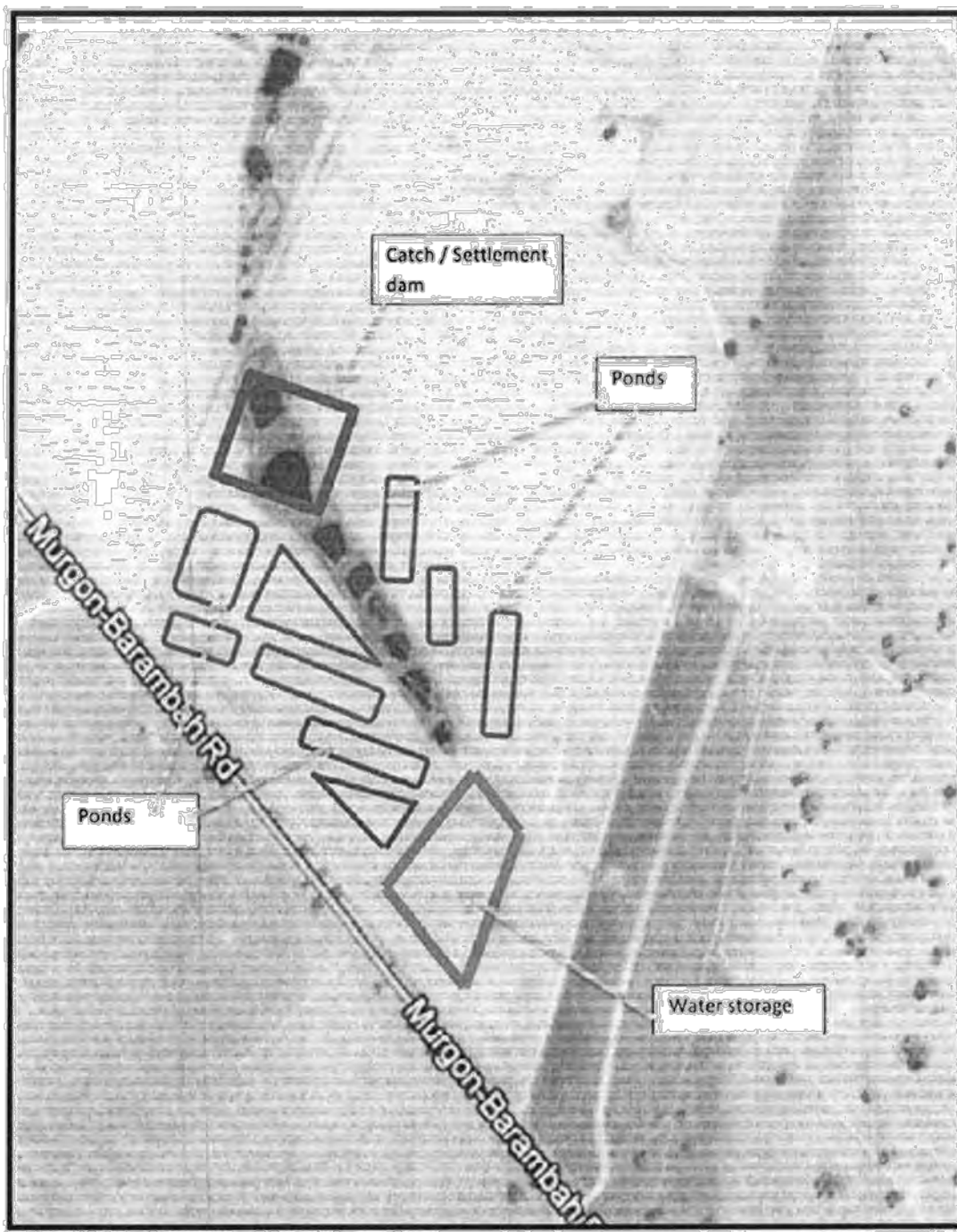
The following section outlines the changes to the development approval proposed:

Council issued a Development Permit for a Material Change of Use (Intensive animal husbandry - aquaculture) at 1135 Barambah Road, Moffatdale on 24 October 2014.

Approved by Delegated Authority:

Date: 2/7/2020

Approved Plan



Approved by Delegated Authority: 

Date: 2/7/2020

APPLICATION DETAILS

APPROVED DEVELOPMENT	
Type of Approval	Material Change of Use – Development Permit
Approved Development	Intensive animal husbandry - Aquaculture
Variations Approved	N/A
Level of Assessment	Impact Assessment
Original Submissions Received	3 public submissions
Currency Period Lapses	Four (4) years from the date the approval takes effect – s341 of SPA Approval commenced on 19 December 2014 after the submitters appeal period ended. The approval would have lapsed on 19 December 2018.

APPLICANT DETAILS	
Applicant:	David & Jillita Rose C/- Groundwork Plus
Owner:	J A Rose & D W Rose
Type of Application:	Change to Existing Approval – Minor Change
Requested Extension	N/A
Decision Making Period Ends	5 June 2020

CONSULTATION	
Internal	Development Engineer assessed the applicant's request and provided updated engineering conditions.
External (original DA)	Original Development was referred to:- Department of Transport and Main Roads; and Department of Agriculture, Forestry & Fisheries. Council is required to forward a copy of the changed approval to the concurrence agency. The applicant is required to refer the revised approval to the State to change the concurrency agency conditions under a separate application process.

2.0 PLANNING CONSIDERATIONS

2.1 Appropriateness of the Proposal – Minor Change

The proposed change constitutes a minor change under s81 of the *Planning Act 2016*.

Minor changes are defined in Schedule 2 of the Act. The proposed change is considered against that definition in the table below.

Table 2.1 – Assessment against Minor Change Criteria (PA, Schedule 2)

Minor Change Criteria	Complies / Response
A minor change, for a development approval, means a change that would not—	
(i) result in a substantially different development; or	The proposed changes would not result in substantially different development. The request is to amend engineering conditions that appear onerous and no changes to the site layout or proposed functioning of the facility is proposed.

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Date: 2/7/2020

Minor Change Criteria	Complies	Response
if a development application for the development, including the change, were made when the change application is made would not cause-		
(A) the inclusion of prohibited development in the application; or		No prohibited development is included.
(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or		No referrals are triggered as the request is for a minor change.
(C) referral to extra referral agencies, other than to the chief executive; or		No extra referral is triggered.
(D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or		No referral assessment is triggered.
(E) public notification if public notification not required for the development application.		The original application as subject to public notification.

Table 2.2 – Assessment against Substantially Different Development Criteria (Development Assessment Rules 2017)

Substantially Different Development Criteria	Complies	Response
A change may be considered to result in a substantially different development if the proposed change:		
(a) involves a new use		No new uses are proposed.
(b) results in the application applying to a new parcel of land		No new land parcels are included in the proposed change.
(c) dramatically changes the built form in terms of scale, bulk and appearance		No dramatic changes are proposed to the built form of the development.
(d) changes the ability of the proposal to operate as intended		The proposed changes will ensure that the existing intensive animal husbandry use can continue to operate as intended in accordance with the approved Stormwater Management Plan.
(e) removes a component that is integral to the operation of the development		The proposed changes will not remove a component that is integral to the operation of the development.

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Date: 2/7/2020

Substantially Different Development Compliance Response Criteria		
(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site		The proposed changes will have no additional impact on the traffic flow and transport network.
(g) introduces new impacts or increases the severity of known impacts		The proposed changes will not introduce any new impacts or increase the severity of known impacts.
(h) removes an incentive or offset component that would have balanced a negative impact of the development		The proposed changes do not have any impact on incentive and/or offset components of the existing approval.
(i) impacts on infrastructure provision.		The proposed changes will not be expected to cause impacts on infrastructure provisions, location or demand.

In deciding whether the proposed changes are minor changes, having regard to the planning instruments and law in place at the time the Development Application was made and in light of the expert statements referred to in this application, the proposed changes, had they been included in the Development Application when it was originally made, would not have resulted in a change to the Development Approval the subject of the Development Application.

In deciding whether the proposed changes are minor changes, this application has assessed the planning instruments and law currently in force and the substantially different development test set out in Schedule 1 of the Development Assessment Rules have been applied.

For the reasons outlined in the paragraphs above, the changes are a 'minor change' for the purpose of section 81 of the *Planning Act 2016*.

2.2 Extension to Currency Period

Section 87(1) of the *Planning Act 2016* establishes the following for the assessment of extension applications:

"When assessing an extension application, the assessment manager may consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application."

The following table identifies the matters relevant to the assessment of the extension application, any comments made by the applicant and the relevant assessing comments made by the assessing officer:

Relevant Matter	Relevant Comments
Consistency with local categorising instrument.	<p>Since the development, approval was given under the Murgon Shire IPA Planning Scheme and has been replaced with the South Burnett Regional Council Planning Scheme 2017 v1.3.</p> <p>The property was zoned for Rural purposes in mind under the Murgon Shire IPA Planning Scheme and when the South Burnett Regional Council Planning Scheme was introduced the Rural zone was retained.</p>

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Date: 2/7/2020

	Under the original assessment, no works have commenced nor an operational works development application applied for.
Compliance with current assessment benchmarks	<p>The retention of the Rural zoning of the land when the current planning scheme was introduced did not change the purpose and overall outcomes sought for the zone.</p> <p>The approved development would also be subject to impact assessment under the South Burnett Regional Council Planning Scheme 2017 v.1.3.</p>

On the basis, the applicant submitting a request to change the development approval conditions of approval to reflect current planning policies and standards it is considered reasonable to approve an extension of 6 (six) years to the currency period until 19 December 2020.

The applicant has been in negotiations with Council regarding the proposed amendment of the engineering conditions and could not act on the approval until the revised engineering conditions were considered by Council. Given the uncertainty of the validity of the engineering conditions and ongoing negotiations between the applicant and Council, it is considered reasonable that the approval has not lapsed.

The conditions of the current approval has remained unchanged and reflect revised engineering conditions that are consistent with current engineering standards and practices.

2.3 Revised Conditions

Original Condition	New Condition
<p>ENG2. All construction operational works shall be supervised by and certified by a Registered Professional Engineer of Queensland (RPEQ) and shall not commence before an Operational Works application form has been submitted and approved by Council's General Manager Infrastructure.</p>	Condition deleted
<p>Officer Comments: The applicant has requested this condition be deleted. This condition can be deleted as it is not required for the MCU approval.</p>	

Approved by Delegated Authority: 

Date: 2/7/2020

Stormwater Drainage
 ENG4. Prior to submitting an application for Operational Works approval, the applicant shall prepare and submit a Stormwater Management Plan with sub-plans including treatments, procedures, detailed engineering designs and engineering design drawings for the civil works, for Compliance Assessment by Council's General Manager of Infrastructure, detailing:

- a) drainage paths within and outside the subject property;
- b) Hydraulic and civil design for stormwater including sizing and location of all proposed piped and channelled flows;
- c) Location and details of stormwater inlet and outlet structures;
- d) Stormwater and irrigation layout plans and design details
- e) Details of all pre and post development flows;
- f) Details of any cut or fill required to direct stormwater to a legal point of discharge

The Stormwater Management Plan shall address the following issues (but shall not be limited to these alone):

- (a) The catch/settlement dam is proposed to be located in the path of stormwater passing between the proposed locations of the Stage 1 and Stage 2 works and the applicant shall provide detailed designs and design drawings of the dam earthworks addressing
 - i. erosion;
 - ii. stormwater bypass that can demonstrably avoid the creation of a new waterway through the property immediately downstream; and
 - iii. avoidance of stormwater overflows; and
- b) Designs for all water retaining structures shall address Council's Planning Scheme Part 3.2.2 *Rural Locality Code - 015 (g) Earthworks* and include a geotechnical report on:
 - i. the nature of the existing strata where excavations are proposed;
 - ii. the nature of the material proposed to be used for embankment fill;
 - iii. test results from a NATA-registered laboratory;
 - iv. certification by a RPEQ that all

Stormwater Drainage
 ENG4 All water storage structures are to comprise batters no steeper than 33%, and constructed in accordance with the Murgon Planning Scheme - Rural Locality Code (g) Earthworks. All water storages shall be constructed using suitable earthworks machinery and processes, so that storages are stable, and maintained so as to avoid leakage.

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Date: 2/7/2020

<p>proposed materials will be suitable for their intended use;</p> <ul style="list-style-type: none"> v. details of remediation where unsuitable materials are encountered; and vi. slope stability analyses for all embankments given that slopes are proposed to be steeper than 1 part vertical to 4 parts horizontal, as required by the <i>Rural Locality Code</i>. 	
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Officer Comments: The applicant has requested that condition ENG4 preliminary clauses (a-f), ENG4(a), and ENG5 be amended to: "All works are to be undertaken in accordance with the approved Stormwater Management Plan (SMP), with a maximum total water storage volume for the proposed development of 87.5ML".

Given that the proposed development is located within a rural environment on a large property, all of the requested detail in the stormwater management plan is not considered necessary. During discussion with applicants, it was agreed that the dam embankments would be constructed in accordance with the Planning Scheme requirements, hence the geotechnical investigation requirements are not necessary. An updated SMP has been conditioned, as the property owner has carried out earthworks that has resulted in the existing dam being increased in size beyond the 87.5ML, and the updated SMP will address changes as a result of the new dam/s, including dam failure impact assessments.

<p>ENG5. All stormwater drainage infrastructure serving the site including all surface, underground and roof water components shall be designed:</p> <ul style="list-style-type: none"> a) in accordance with the requirements of the Queensland Urban Drainage Manual (QUDM) and certified by a RPEQ engineer; b) so that the development will not make material changes to the pre-development location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves. In the event that a material change to the pre-development stormwater flows will occur, the applicant shall produce evidence to Council's satisfaction of a legal right as to the method for stormwater discharge over the downstream land, and c) such that there is no restriction to existing or developed stormwater flow from upstream properties; and no ponding of stormwater occurs within upstream properties as a result of the development. 	<p>ENG5. All stormwater drainage infrastructure serving the site, including all surface and underground components, shall be designed so that the development will not create a 'nuisance' as defined by the Queensland Urban Drainage Manual at the lawful point of discharge, including any downstream properties.</p>
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Officer Comments: The applicant has requested that condition ENG4 preliminary clauses (a-f), ENG4(a), and ENG5 be amended to: "All works are to be undertaken in accordance with the approved Stormwater Management Plan (SMP), with a maximum total water storage volume for the proposed development of 87.5ML".

The condition has been amended (rather than be deleted) to keep a condition that requires no stormwater 'nuisance' impacts to be generated from the development.

Approved by Delegated Authority:  Date: 2/7/2020

ENG6. All stormwater collected from the site including roof water shall be piped to a legal point of discharge, which may include a rainwater storage tank. Such works shall be sized and constructed as determined by the detailed design.	Condition deleted as it is superfluous.
Officer Comments: Stormwater management will be via overland flow and is considered suitable for a rural property, subject to acceptance of the updated SMP. This condition is not considered necessary.	

4.0 CONCLUSION

It is recommended that the Council approve the Minor Change under s81 of the Planning Act 2016, and the Extension to Currency Period under s86 of the Planning Act 2016, for an additional six (6) years until 19 December 2020.

Conditions of approval have been updated to reflect current planning scheme and planning legislation.

Approved by Delegated Authority:



Date: 2/7/2020

NOTICE ABOUT DECISION – STATEMENT OF REASONS

The following information is provided in accordance with Section 63(4) & (5) of the Planning Act 2016

The development application for:

Type of Approval	Minor Change to Approval
Level of Assessment	Code Assessable
Application No	MCU2014/0003.01
Name of Applicant	J A & D W Rose
Street Address	1135 Barambah Road, Moffatdale
Real Property Address	L34 RP7168

On 2 July 2020 the above development was:

Approved in full, with conditions.

1. Reasons for the Decision

The reasons for this decision are:

- The proposed changes will ensure that the existing intensive animal husbandry use can continue to operate as intended in accordance with the approved Stormwater Management Plan.
- The proposed changes will not remove a component that is integral to the operation of the development.
- The proposed changes will have no additional impact on the traffic flow and transport network.
- The proposed changes will not introduce any new impacts or increase the severity of known impacts.
- The proposed changes do not have any impact on incentive and/or offset components of the existing approval.

2. Assessment Benchmarks

The following benchmarks apply to this development:

- South Burnett Regional Council Planning Scheme 2017 (v1.3)
 - o Services and Works Code
 - o Rural Zone Code

3. Compliance with Benchmarks

ASSESSMENT MATTERS		
Relevant matters		
Matters raised in submissions	Issue Nil	How matter was dealt with
Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and complies with all of these or can be conditioned to comply.	

Note: Each application submitted to Council is assessed individually on its own merit.

17 CONFIDENTIAL SECTION

OFFICER'S RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Act 2012:

17.1 Endorsement of Kingaroy Regional Water Supply Security Assessment undertaken by Department of Mines, Natural Resources and Energy.

This matter is considered to be confidential under Section 275 - h of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

17.2 Offer to Purchase part of 1 Pound Street Kingaroy - Lot 13 on RP814986

This matter is considered to be confidential under Section 275 - e of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contracts proposed to be made by it.

17.3 Requesting Council Consider Waiving the Recycled Water Purchases for Assessment 10489-00000-100

This matter is considered to be confidential under Section 275 - d of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

17.4 Financial Hardship Application - Assessment 13281-00000-000

This matter is considered to be confidential under Section 275 - d of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

17.5 Temporary Rate Exemption Due to Inability to Generate Income Due to COVID-19 – Assessment 10489-00000-200

This matter is considered to be confidential under Section 275 - d of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

17.6 Rate Exemptions and Remissions - Additions to Approved List - Assessment 30124-15000-000

This matter is considered to be confidential under Section 275 - d of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

18 CLOSURE OF MEETING