

Approved by Delegated Authority:

Date: 3 November 2020

ASSESSMENT:

Framework for Assessment

Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following Categorising Instruments may contain Assessment Benchmarks applicable to development applications:

- The *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any Temporary Local Planning Instrument
- any Variation Approval

Of these, the planning instruments relevant to this application are discussed in this report.

Assessment Benchmarks Pertaining to the Planning Regulation 2017

The following Assessment Benchmarks from the *Planning Regulation 2017* are applicable to this application:

PLANNING REGULATION 2017 DETAILS	
Assessment Benchmarks:	Nil.
WBB Regional Plan Designation:	N/A

Assessment Benchmarks Pertaining to the Planning Scheme

The applicable planning scheme for the application is South Burnett Regional Council Version 1.3. The following sections relate to the provisions of the Planning Scheme.

Planning Scheme:	South Burnett Regional Council Planning Scheme Version 1.3
Strategic Framework Land Use Category:	Urban Area
Zone:	Low Density Residential

Strategic Framework

The Strategic Framework considers the following matters:

- Settlement Pattern
- Rural Futures
- Strong Economy
- Natural Systems & Sustainability
- Strong Communities
- Infrastructure & Servicing

The subject site is located on the western edge of the Nanango township and is located within the Urban Area nominated on Council's Strategic Framework Map. The themes of the Strategic Framework have been summarized as applicable, as follows:

Settlement Pattern

The subject site is in the Low Density Residential Zone and is currently vacant. The proposal will gain access from two (2) street frontages of the site, providing access to each unit from each respective street frontage. The proposed units are designed to give the appearance of a single dwelling from each frontage which conforms to the overall outcomes for the zone. Adjoining lots are all within the Low Density Residential Zone and no buffering is necessary to the surrounding lots. The site is within close proximity to the Nanango Township and its community services and will be consistent with the existing settlement pattern of the area.

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Rural Futures:

Not applicable to this proposal. The site is within the Urban Area on Council's Strategic Framework mapping and not within the defined Important Agricultural Overlay area.

Strong Economy

The proposed units aim to provide additional housing options within close proximity to the Nanango township.

Natural Systems & Sustainability

No natural hazards affect the subject the site and there are no biodiversity areas or areas of regulated vegetation on the site.

Infrastructure & Servicing

The subject site is connected to Council's reticulated water and sewerage networks as well as electricity. The existing services will be utilised to provide connection for the proposed new duplex. Accesses are to be provided via Mills Way and Sonrose Court.

Assessment Benchmarks – Planning Scheme Codes

The application has been assessed against each of the applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below:

Low Density Residential Zone Code

PURPOSE	
Low Density Residential Zone Code	
Relevant Overall Outcomes	Comment
Development reflects and enhances the existing low density scale and character of the area. Small lot development may be supported where there is a demonstrated need. Dual occupancies have the appearance of a house.	The proposal is considered to enhance and consistent with the low density character of the area and will appear as a larger single dwelling.
Multiple dwellings and dual occupancy occur close to the Local centre zone where development is of a scale and density consistent with the surrounding Low density residential zone.	The proposal is well located in close proximity to the centre zone in Nanango.

DISCUSSION

The proposal will retain the appearance of a single dwelling from each respective street frontage, given the proposed units will have separate accesses and entrances via Mills Way (Unit 1) and Sonrose Court (Unit 2).

The site is within close proximity to Nanango's CBD and community services and the proposed Dual Occupancy (Duplex) is to be fully serviced which will integrate with existing street networks. The closest open space/recreational area is to the west of the site being the Nanango Golf Club.

PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME
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Low Density Residential Zone Code	
<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> <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> <p>(a) independent driveway access to its respective street frontage;</p> <p>and</p> <p>(b) its front door (and an associated front door identification structure) and living room windows or balconies oriented toward its respective street frontage.</p>

DISCUSSION

The proposed duplex is single level with a proposed footprint of 315.6m², resulting in 36% total site cover. Each proposed unit is to be accessed via their respective street frontages with pedestrian entrances clearly visible from each frontage. Due to the site being a corner lot, the overall appearance from each street frontage will that of a single dwelling.

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Solid screen fences for the rear yards of each unit are proposed and will not exceed 1.8m in height.

Private open space areas are proposed off the living rooms of each unit, each achieving more than 20m² required and the minimum dimension of 4 metres.

The duplex is proposed to be setback more than 6m from each frontage and more than 1.5 from side boundaries.

Garages are proposed at the front building setback of each unit.

Front doors to each unit are orientated to the respective street frontages of the development.

Services and Works Code

PURPOSE	
Services and Works Code	
Relevant Overall Outcomes	Comment
Development is planned, designed, constructed and operated to manage stormwater and wastewater in ways that protect environmental values and achieve water quality objectives;	Appropriate stormwater treatment measures are proposed.
Development is provided with sufficient vehicle parking and servicing in a manner that provides safe and efficient access and circulation.	Sufficient car parking is provided.

DISCUSSION

The proposed development will be provided with standard services currently connected to the site. Roofwater is to be discharged to the kerb and channel in the respective streets and landscaping is proposed to complement the building façade as shown on the Elevations/Streetscape plan provided as part of the application. The site is not within any natural hazards of Council's Overlay Mapping.

PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME
Services and Works Code	
PO1 The development is planned and designed considering the land use constraints of the site for achieving stormwater design objectives.	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
PO6 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. and AO6.2 A service bay is provided on-site for the service vehicle nominated in Table 9.4.5. and AO6.3 Driveway crossings are provided to the standard contained in PSP1 – Design and Construction Standards. and

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

Stormwater drainage will be managed to ensure there is no significant increased post development flows.

Roofwater is to be piped to the kerb and channel in the respect street frontages to ensure no nuisance on surrounding properties.

Each unit will have a parking space within the internal garage of each unit and a visitor space in front of the garages are proposed achieving a total of four (4) parking spaces for the proposed development. The proposed number of spaces achieve the minimum number of spaces required for a Dual Occupancy.

CONSULTATION

Public notification for this development application was undertaken from 27 August 2020 to 18 September 2020 in compliance with the requirements of section 17 and Schedule 3 of the Development Assessment Rules.

The notice of compliance was received on 21 September 2020 and public submission were received by Council.

CONCLUSION

The proposed development has been assessed with regards to the applicable assessment benchmarks as identified within the report and the attached Statement of Reasons (refer to Attachment A). Where the proposed development does not comply with the benchmarks have been conditioned to comply. Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance.

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Locality Plan

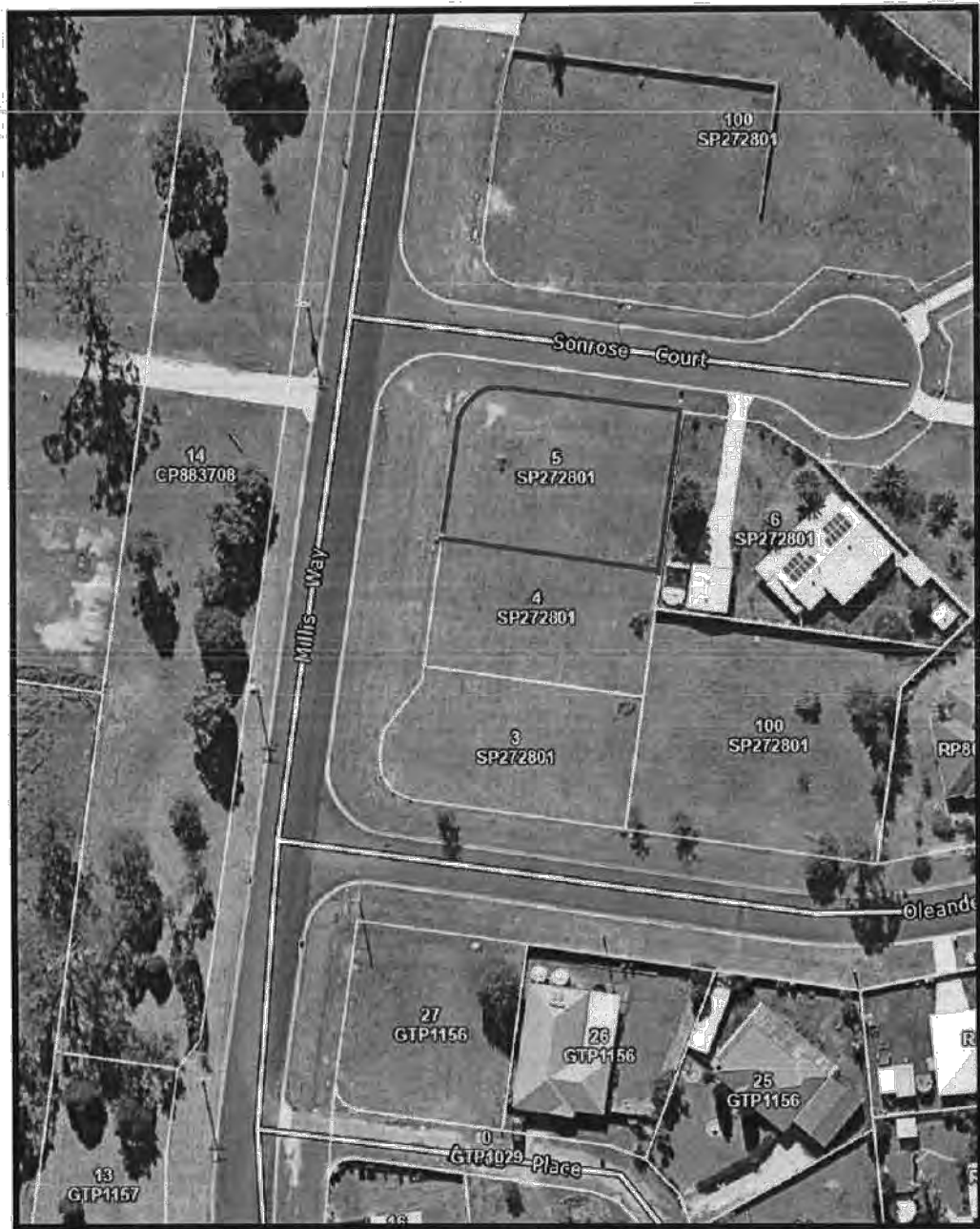


Figure 1 - Aerial Image (Source: Qld Globe)

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Aerial Plan:

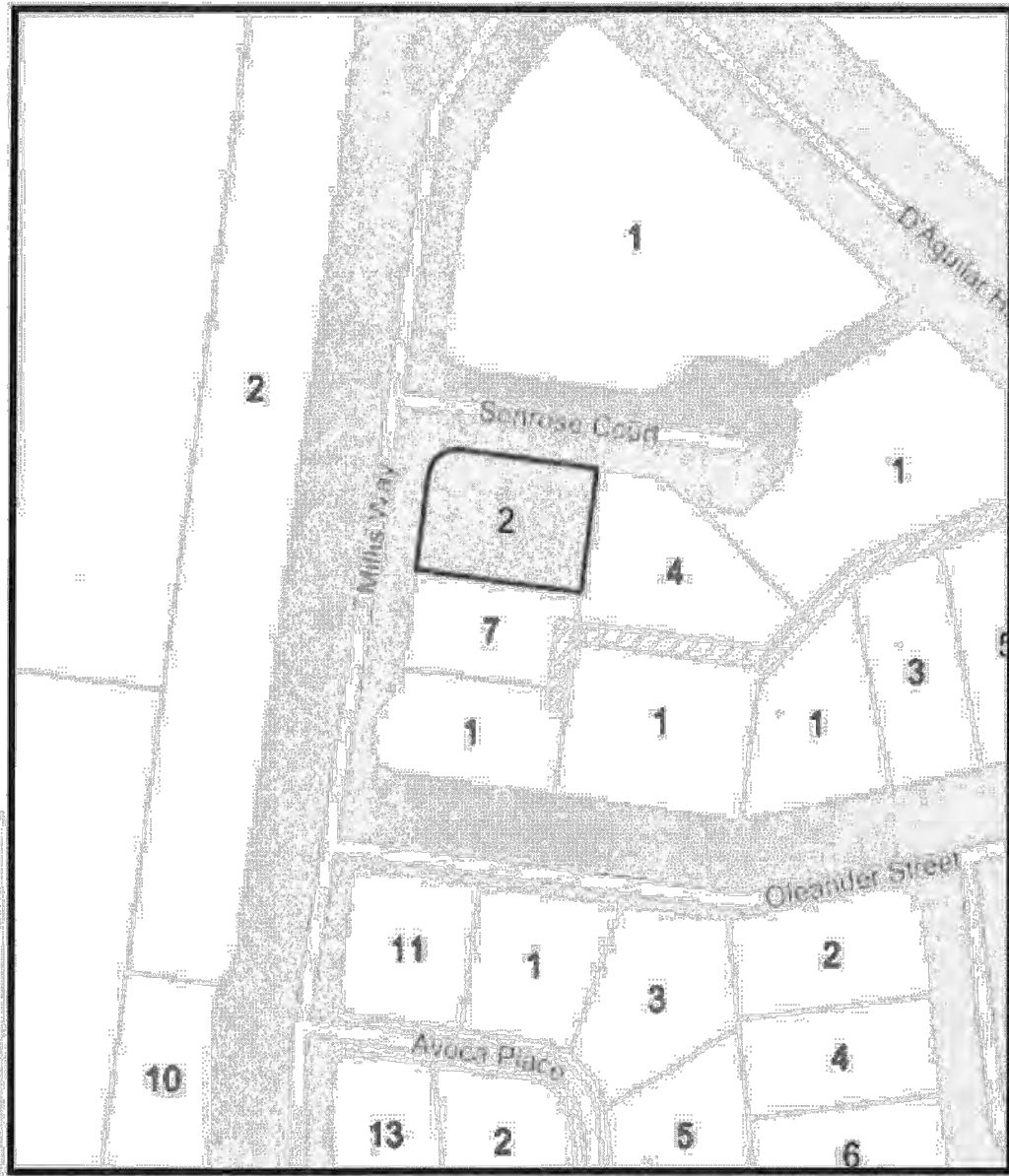


Figure 2 - Locality Plan (Source: IntraMaps)

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ATTACHMENTS

Nil

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Date: 3 November 2020



South Burnett
Regional Council

INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT:

CR & ER Stewart
C/- O'Reilly Nunn Favier - ONF Surveyors
PO Box 896
KINGAROY QLD 4610

APPLICATION:

Material Change of Use - Dual Occupancy

DATE:

02/11/2020

FILE REFERENCE:

MCU20/0007

AMOUNT OF THE LEVIED CHARGE:

\$20,085.00 **Total**

(Details of how these charges were calculated are shown overleaf)

\$9,842.00	Water Supply Network
\$5,423.00	Sewerage Network
\$2,410.00	Transport Network
\$2,009.00	Parks and Land for Community Facilities Network
\$401.00	Stormwater Network

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

LAND TO WHICH CHARGE APPLIES: Lot 5 SP272801

SITE ADDRESS: 2 Sonrose Court, Nanango

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**

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Date: 3 November 2020

DETAILS OF CALCULATION

Water Supply

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential (3 bedroom dwelling)	2	dwelling	\$9,842.00	CR Table 2.1	\$19,684.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lawful use (Residential)	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 (3 bedroom dwelling)	2	dwelling	\$5,423.00	CR Table 2.1	\$10,846.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lawful use (Residential)	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 (3 bedroom dwelling)	2	dwelling	\$2,410.00	CR Table 2.1	\$4,820.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
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Existing lawful use (Residential)	1	dwelling	\$2,410.00	CR Table 2.1	\$2,410.00
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Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential (3 bedroom dwelling)	2	dwelling	\$2,009.00	CR Table 2.1	\$4,018.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lawful use (Residential)	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 (3 bedroom dwelling)	2	dwelling	\$401.00	CR Table 2.1	\$802.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lawful use (Residential)	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 (3 bedroom dwelling)	\$9,842.00	\$5,423.00	\$2,410.00	\$2,009.00	\$401.00	\$20,085.00
Total	\$9,842.00	\$5,423.00	\$2,410.00	\$2,009.00	\$401.00	\$20,085.00

* In accordance with Section 3.3 of the Charges Resolution, the discount may not exceed the adopted charge. Any surplus discounts will not be refunded, except at South Burnett Regional Council's discretion.

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INFORMATION NOTICE

Authority and Reasons for Charge This Infrastructure Charges Notice has been given in accordance with section 119 of the *Planning Act 2016* to support the Local government's long-term infrastructure planning and financial sustainability.

Appeals Pursuant to section 229 and Schedule 1 of the *Planning Act 2016* a person may appeal an Infrastructure Charges Notice. Attached is an extract from the *Planning Act 2016* that details your appeal rights.

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 Authority 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.

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;

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.

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- 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

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NOTICE ABOUT DECISION – STATEMENT OF REASONS

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

SITE DETAILS	
Street Address:	2 Sonrose Court
RP Description	Lot 5 SP272801
Site Area	872.0 hectares

PROPOSED DEVELOPMENT	
Name of Applicant	C & E Stewart C/- ONF Surveyors
Type of Application	Material Change of Use
Proposed Development	Dual Occupancy
Level of Assessment	Impact
Site Cover	315.6sqm or 36% of the site area
Car Parking Spaces	1 space + 1 visitor park
Service Vehicle Provision	N/A
Submissions Received	Nil
Decision	Approved
Decision Date	3 November 2020

1. Assessment Benchmarks

The proposed development was assessed against the following assessment benchmarks:

South Burnett Regional Council Planning Scheme 2017

- Low Density zone code and
- Services and works code.

2. Reasons for Approval

- The proposal is located in a zone suitable for the proposed development.
- The proposal achieves an outcome that is consistent with the low density residential outcome for the neighbourhood.
- The proposal meets the relevant performance outcomes of the Planning Scheme.

3. Compliance with Benchmarks

The development was assessed against all of the assessment benchmarks listed above and complies with all of these or can be conditioned to comply.

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3. Compliance with Benchmarks

ASSESSMENT MATTERS	
Reasons for Decision	The development was assessed against all of the Assessment Benchmarks listed above and complies with all of these with the exception listed below.
Assessment Benchmark	Reasons for the Approval Despite Non-compliance with Benchmark
LOW DENSITY RESIDENTIAL ZONE CODE	

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: 19/10/2020

0.0 P&LM - 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 - APPLICANT: D & P HENRY - MCU18/0015.02

File Number: MCU18/0015.02
Author: Trainee
Authoriser: Chief Executive Officer

	SIGNATURE	DATE
MANAGER		19/10/2020
GM		4/11/2020
CEO		4.11.2020

PRECIS

Change Application (Other Change) - Request to change existing approval for Material Change of Use - Food & Drink Outlet & Function Facility at 88 Beare Road (Brooklands-Pimpimbudgee Road South), Maidenwell - Lot 12 RP28694 - Applicant: D & P Henry - MCU18/0015.02

SUMMARY

The application seeks approval pursuant to section 82 of the *Planning Act 2016* to change the overall use area and operating hours of the use, as approved by Development Permit MCU18/0015 dated 6 February 2019.

The proposed 'Other Change' is sought over land described as 88 Beare Road, Maidenwell – formally described as Lot 12 RP28694.

The proposed change involves:

- an increase of use area from 150sqm to 590sqm;
- extended operating hours until 10pm on the approved days (being Friday, Saturday, Sunday and public holidays); and
- the addition of the Melbourne Cup and Valentine's Day to the approved days of operation.

The proposed facility is located within the Rural Zone under the *South Burnett Regional Council Planning Scheme 2017 (v1.3)* (the Planning Scheme) and is affected by overlays including Bushfire Hazard, Flood Hazard, Biodiversity Areas and Agricultural Land.

The established use is Food and Drink Outlet and Function Facility. The overlays were addressed during the assessment of the development application lodged in August 2018, and the proposed change does not create an additional impact due to the mapped overlays.

The Other Change application was subject to public notification – one submission was received, and the Applicant made a response. The submission is addressed further in this report.

Based on an assessment of the matters Council (as Assessment Manager) must and may have regard to under section 82 (4) of the *Planning Act 2016* (the Planning Act), we are satisfied that the application should be approved subject to the conditions outlined herein.

OFFICER'S RECOMMENDATION

That Council approve the Change Application (Other Change) to permit an increased use area and extended operating hours for an approved Food and Drink Outlet and Function Facility at 88 Beare Road, Maidenwell (described as Lot 12 RP28694), subject to reasonable and relevant conditions (deleted conditions in strikethrough and new conditions in bold).

GENERAL

GEN1. ~~The development must be completed and maintained generally in accordance with the approved plans and documents and any amendments arising through conditions to this development approval.~~

Drawing Title	Prepared by	Reference no.	Revision

Approved by Delegated Authority



Date 19/10/2020

MCU – Site Plan Sheet 1 of 2	ONF Surveyors	7622P/4	A – As annotated by Council on 31/01/2019
MCU – Site Plan Sheet 2 of 2	ONF Surveyors	7622P/4	A

Reference No. 7622P/4

Drawing Title: "MCU Site Plan – Sheet 1 and 2 of 2, Rev A Dated 21/11/18"

Amendments: Amend plan removing the existing location for the Food & drink outlet and Function facility that currently services the dwelling house to the point at the northern end of the property as shown on the plan. The existing access for the house can be maintained.

Document Title	Prepared by	Reference no.	Revision	Date
Environmental Noise Assessment Music Venue 88 – Brooklands – Pimpimbudgee South Road, Mainenwell, QLD, 4615	Alpha Acoustics	-	-	25 October 2018

GEN1. The development must be completed and maintained generally in accordance with the approved plans and documents and any amendments arising through conditions to this development approval:

Drawing Title	Prepared by	Reference no.	Revision	Date
MCU – Site Plan Sheet 1 of 2	ONF Surveyors	7622P/3	-	16/07/2020
MCU – Site Plan Sheet 2 of 2	ONF Surveyors	7622P/3	-	16/07/2020
Site Plan – Sheet 1 of 10	ONF Surveyors	18-2611-TN	A	
Floor Plan – Sheet 2 of 10	ONF Surveyors	18-2611-TN	A	
Floor Plan – Sheet 2 of 5	Blueprint Drafting Services	19-2753-SPY	G	19/07/2020

Document Title	Prepared by	Reference no.	Revision	Date
Environmental Noise Assessment Music Venue, 88 Brooklands Pimpimbudgee South Road, Mainenwell, QLD, 4615	Alpha Acoustics	-	-	25 October 2018

GEN2. The development herein approved may not start until the following development permits have been issued and complied with as required:

- Development Permit for Building Works; and
- Development Permit for Plumbing and Drainage Work.

GEN3. Any new earthworks or structures are not to concentrate or impede the natural flow of water across property boundaries and onto any other lots.

APPROVED USE

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GEN4. The use permitted as part of this approval is for a Food and drink outlet and Function facility, as shown on the Approved Plans and does not imply the use of the site for other similar uses.

GEN5. The operator must provide written advice to Council of commencement of the use.

NATURE AND EXTENT OF APPROVED USE

GEN6. The proposed use area must not extend outside of the nominated ~~150sqm~~ **area 590sqm area and the structures** as shown on the approved plans (refer to condition GEN1).

AMENITY – LIGHTING

GEN7. Light must be provided in accordance with AS4282-1997 "Control of the Obtrusive Effects of Outdoor Lighting" (as amended).

Artificial illumination is not to cause a nuisance to occupants of nearby premises and any passing traffic. Direct security and flood lighting away from adjacent premises to minimise the protrusion of light outside the street.

HOURS OF OPERATION

GEN8. Hours of operation for the Food and drink outlet and Function facility are limited to Friday, Saturday, Sunday, Public Holidays, **Valentine's Day and Melbourne Cup Day from 8am to 10pm, kitchen to close and music to cease by 9.30pm. All patrons must be off the site by 10pm.**

CAR PARKING

MCU1. Parking to be provided at the following ratio:

- Food and drink outlet – 1 space per 15sqm of nominated area;
- Function facility – 1 space per 2 employees and 1 space per 50sqm of nominated area.

SIGNAGE

MCU2. Any signage including directional signage associated with this approved development must be located within the property boundaries.

NOISE MITIGATING MEASURES

EH1. The following noise control recommendations included in the environmental noise report referenced in GEN1 shall be implemented prior to the use commencing and shall be maintained at all times during the operation of the facility:

- Rubbish bins should only be picked up between 8am and 6pm.
- The development shall include a rear barrier constructed 3m high to block line of sight to residents "R1" and "R2". The barrier should be constructed from at least 10kg/m2 surface density connected to the existing shed.
- The music played at the stage speakers should be no more than 100dB(A) (sound power level) unless it can be shown through on-site measurements a higher noise level can be used and achieve external noise limits.
- The proposed speakers are each less than 100W in power.
- No amplification of music or sound shall occur beyond 10:00pm.
- Noise levels are not to exceed 40dB in the evening period (until 10pm).

NOISE MONITORING

EH2. Monitoring of noise levels during all events for the first three (3) months of operation shall be undertaken to demonstrate compliance with the noise requirements of the environmental noise assessment. **This monitoring period is relevant to the extended hours and days of operation.** The following monitoring details are to be kept and must be provided to Council within two (2) weeks of the last event within the monitoring period:

- Details of noise monitoring equipment
- Monitoring Location
- Time of monitoring
- Results of monitoring

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Date 17/10/2020

NOISE COMPLAINTS

EH3. The applicant must manage complaints from the public during all events and have the authority to instruct staff, guests or external operators to reduce sound levels as necessary during use activities. A register of complaints shall be kept at the premises at all times for Council inspection. The minimum information below is required for each complaint:

- Name
- Address
- Time and date of the complaint
- Details of complaint
- Contact details
- Whether the complainant had received a notification letter
- Any action taken as a result of the complaint

Site noise levels should be checked after receiving the complaint and corrective action may need implementing if a complaint is valid. Details are to be registered.

COMPLAINTS - REQUEST FOR ACOUSTIC REPORT

EH4. The responsible authority may require the applicant or operator, as the case may be, to commission and submit an acoustic report, prepared by a suitably qualified acoustic engineer in the event of receiving complaints regarding noise nuisance during the operation of the facility. The report must be to the satisfaction of the responsible authority and identify all potential noise sources and noise attenuation work required to address any noise issues to comply with *State Environment Protection Legislation*. The recommendations of the report must be implemented and complied with to the satisfaction of the responsible authority.

Details of all complaints shall be collated and forwarded to Council's Planning Department and Environmental Health Services within twenty-four (24) hours of the conclusion of the event or at the end of each day's event.

ADVISING PERFORMING ARTISTS, SOUND TECHNICIANS

EH5. All performing artists and sound technicians utilising amplified systems and PA systems must be informed by the event coordinator or a representative person about Council's noise requirements and conditions prior to the event.

WASTE OIL

EH6. Any waste oil from cooking operations is to be collected and disposed of in accordance with Qld Environmental Protection Legislation. A designated waste oil collection unit needs to be provided for this activity with suitable bunding to prevent contaminating land or waterways.

Nb: No waste oil is to be disposed of in any Council dump points.

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, 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, Codes of Practice, EDROC Regional Standards Manual and relevant design manuals.

ENG3. Be responsible for any alteration necessary to electricity, telephone, and/or other public utility installations resulting from the development.

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Date: 19/10/2020

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

ENG4. 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.

ENG5. 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

ENG6. Provide overland flow paths that do not alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.

ENG7. 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.

WATER SUPPLY

ENG8. Provide water storage sufficient to accommodate the needs of the development.

ENG9. Provide a separate 5,000L tank permanently filled with water, fitted with a 50mm camlock fitting, exclusively for firefighting purposes.

ON-SITE SEWAGE TREATMENT

ENG10. The development must be connected to an on-site effluent disposal system, in accordance with the SBRC Planning Scheme Schedule 1, Division 3: Water Supply and Sewerage, Table SC 6.2.11 Water Supply Design and Construction Standards, AS 1547 and the Queensland Plumbing and Waste Water Code.

VEHICLE ACCESS

ENG11. The access location for the Food and drink outlet and Function facility use shall be the existing access point of **ingress/egress** at the northern end of the property as shown on ONF Dwg No. 7622P/1, Rev A 7622P/3, dated 16/07/2020 as annotated by Council on 31/01/2019. The existing access for the house can be maintained.

ENG12. The access used for the Food and Drink Outlet and Function Facility use, shall be designed and constructed with a gravelled driveway and a crossover having a minimum width of 4 metres and vehicle turnout in accordance with Council's Standard Drawing "Rural Property Access" Plan Number 00049.

PARKING AND ACCESS – GENERAL

ENG13. Design and construct all driveway and parking areas with a dust suppressive gravel.

ADVICE

ADV1. All development involving the preparation, packing, storing, handling, serving, selling or carrying of food requires that its design, installation and operation be approved pursuant to the *Food Act 2006*. The premises must be registered and the operator must hold a licence with South Burnett Regional Council to operate the business under the above provisions.

ADV2. The applicant must ensure the premises supplies potable water in accordance with the Australian Drinking Water Quality Guidelines (NHMRC, NRMMC, 2011).

ADV3. 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.

5 of 26

Approved by Delegated Authority:



Date: 19/10/2020

HERITAGE

ADV4. 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.datsip.qld.gov.au> and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

APPEAL RIGHTS

ADV5. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

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 identified.

POLICY/LOCAL LAW/DELEGATION IMPLICATIONS

No implication can be identified.

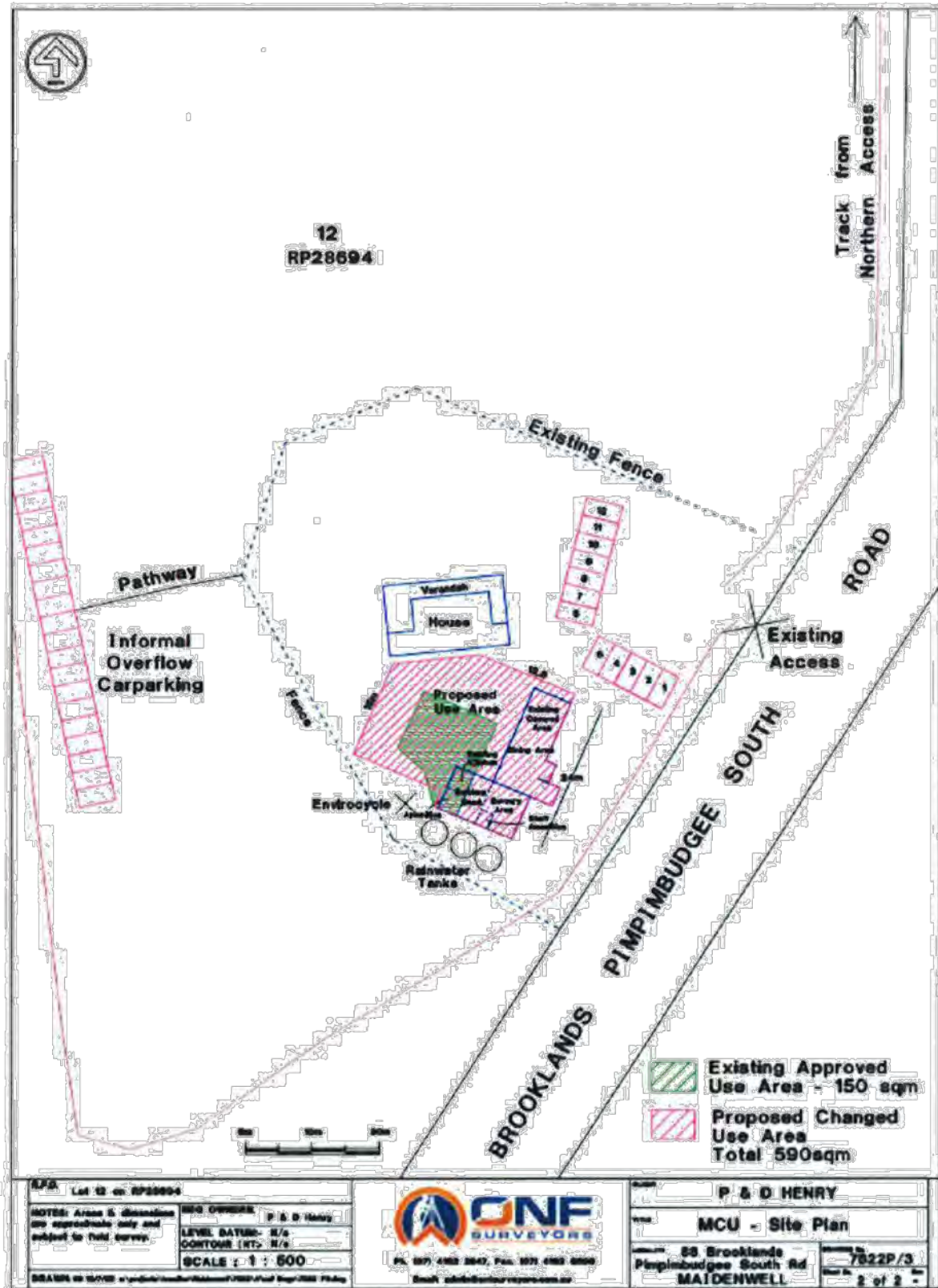
ASSET MANAGEMENT IMPLICATIONS

No implication can be identified.

Approved by Delegated Authority

Date: 17/10/2021

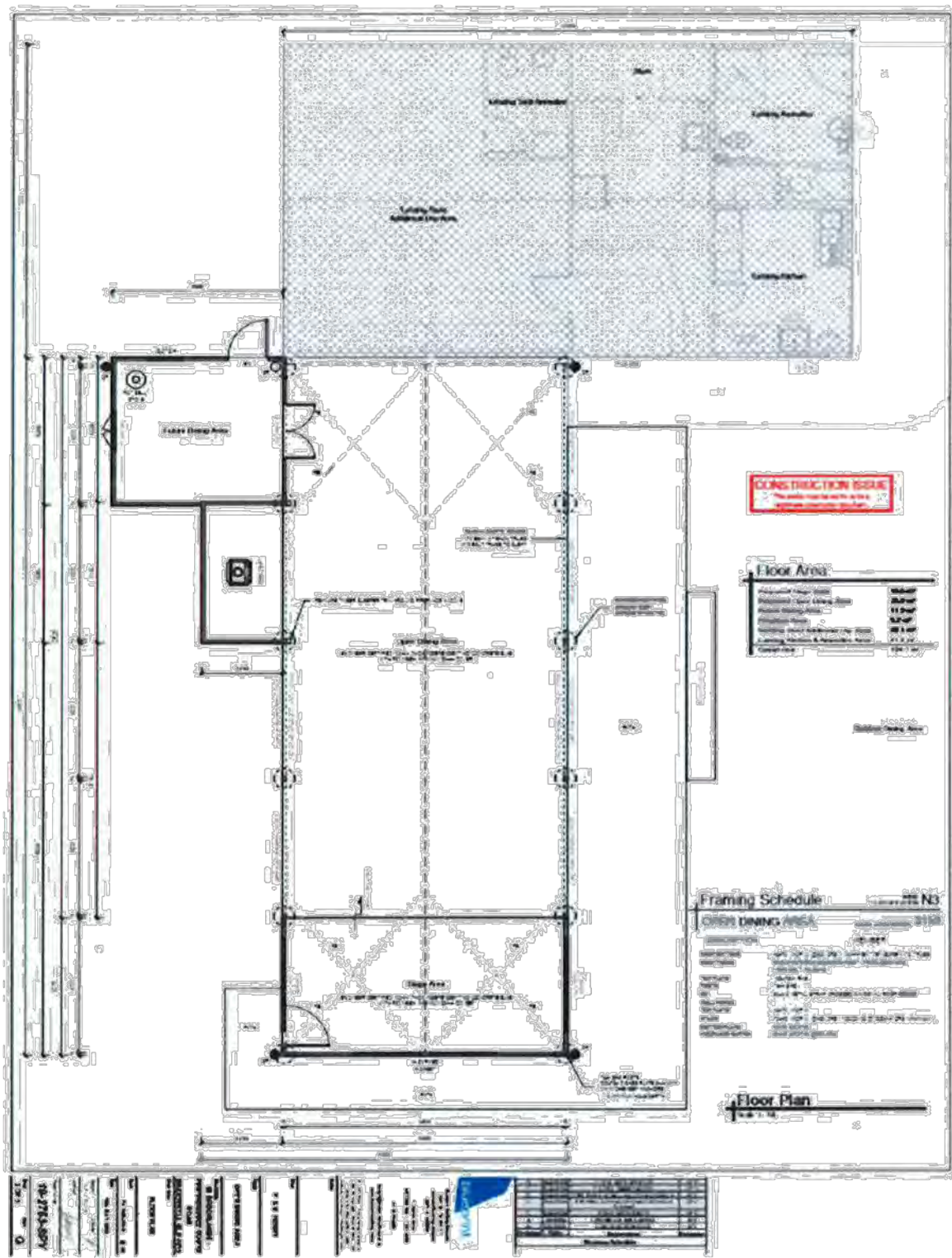
PROPOSAL PLAN



Approved by Delegated Authority:

2

Date: 14/10/2020



Approved by Delegated Authority



Date: 19/10/2020

Report

Applicant: P & D Henry c/- ONF Surveyors

Owner: P & D Henry

Property Address: 88 Beare Road, Maidenwell (formerly Brooklands Pimpimbudgee South Road)

Real Property Description: Lot 12 RP28694

Approvals Sought: Other Change (s82) – to change Development Approval for Material Change of Use for Food and Drink Outlet and Function Facility MCU18/0015

Proposal Description:

Planning Scheme: South Burnett Regional Planning Scheme 2017 (v1.3)

Planning Scheme Zone: Rural Zone

Area of Land: 29 hectares

Existing Land Use: Food and Drink Outlet and Function Facility

Surrounding Land Uses: Rural residential land; Little Wengen Creek forms western boundary

Services: Electricity and telecommunications; water supply in tanks

Access: Access and egress via Beare Road

Topography: Gradual fall towards Little Wengen Creek at the west

Application Deemed Properly Made: 22 June 2020

Confirmation Notice Issued: 24 June 2020

Information Request Issued: 3 July 2020

Information Response Received: 20 July 2020

Further Issues Issued: Nil

Response to Further Issues: Nil

Referrals Required/Received: N/A

Referral Agency Response: N/A

Application Process: Other Change s82 Planning Act 2016 (Impact Assessment)

Public Notification: Applicable – 30 July – 24 August 2020

Properly Made Submissions: 1

Public Notice Compliance: Yes

Approved by Delegated Authority:

Date:

2.0 PROPOSAL OVERVIEW

The Applicant seeks to change a development approval for a Food and Drink Outlet and Function Facility, approved by permit MCU18/0015. The changes are outlined below.

3.1 Previous Approvals

In 2016 a development permit for building works – BWPS2016/0005 – was granted for building works assessable against a planning scheme for the bed and breakfast, and specifically the setback of the building.

A development permit – MCU18/0015 – was issued in 2015 to enable the establishment of a food and drink outlet and function facility encompassing:

- a mobile food van
- a commercial kitchen
- amenities
- amplified music in an open air venue.

The assessment considered car parking and access, noise impacts, water supply and on-site sewage treatment. Public notification was undertaken and no submissions were received.

3.2 Proposed Changes

The Change Application seeks approval for the following:

	Existing Approval	Proposed Changes
Use Area	150sqm	590sqm
Hours of Operation	8am-8pm	8am – 10pm
Days of Operation	Friday, Saturday, Sunday and Public Holidays	Friday, Saturday, Sunday, Public Holidays and Melbourne Cup Day and Valentine's Day

Use Area

The existing approved Use Area incorporated a mobile food van and a second kitchen, at the southern side of the house.

The proposed extension takes in the remainder of the existing shed (part of which is the originally approved commercial kitchen), a new undercover dining area and an expanded outdoor dining area between the house, the shed and the undercover dining area.

Approved by Delegated Authority:



Date: 19/10/2020

EXECUTIVE SUMMARY

This report carries out an independent town planning assessment of the proposed Change Application under s82 of the Planning Act 2016. The Applicant seeks approval for an Other Change, to change aspects of use approved by development permit MCU18/0015. The approved development is a Material Change of Use to establish a Food and Drink Outlet and Function Facility over land described as Lot 12 RP28694 and situated at 88 Beare Road, Maidenwell.

1.0 SITE AND LOCALITY

2.1 Site Description

The subject site is formally described as Lot 12 on RP28694. The site is 29 hectares in area and is currently improved by a lawfully established bed and breakfast, and a food and drink outlet and function facility. The approved use is described further in 'Previous Approvals' below.

The site has a frontage to Beare Road and Little Wengen Creek forms the western boundary. Rural residential lots characterise the surrounding area.

The subject site currently has two vehicle access points, both along Beare Road.



FIGURE 1 – Aerial of Subject Site (Source: QLD Globe 2019)

2.2 Surrounding Land Uses

The subject site is situated in the rural locality of Maidenwell. The locality comprises rural allotments, and some rural residential lots.

Approved by Delegated Authority:



Date: 19/10/2020

Hours of Operation

The Applicant seeks to increase the hours of operation by extending the opening hours until 10pm on the approved days and adding Melbourne Cup and Valentine's Day to the days of operation.

In accordance with the original approval, no more than 100 patrons will be on site at any given time.

The extended opening hours will enable an additional hour and a half of operating time, with the kitchen to close and music to cease by 9.30pm. All patrons will be off the site by 10pm.

4.0 TOWN PLANNING CONTEXT

Tables 1 and 2 provide an overview of the town planning parameters relevant to the subject site and proposed development.

TABLE 1 – State Planning Instruments	
Regional Plan	Wide Bay Burnett Regional Plan 2011 (the Regional Plan)
State Planning Policy	State Planning Policy (July 2017) (the SPP)
SARA DA Mapping	Fish Habitat Areas - Queensland Waterways for Waterway Barrier Works Water Resources - Water resource planning area boundaries Native Vegetation Clearing - Regulated Vegetation (Category A and B)
Referrals	Nil

TABLE 2 – Local Planning Context	
Planning Scheme	South Burnett Regional Council Planning Scheme 2017 (v1.3)
Strategic Framework Designation	Rural
Zone	Rural Zone
Overlays	<ul style="list-style-type: none"> • Bushfire Hazard Overlay • Flood Hazard Overlay • Biodiversity Areas Overlay • Agricultural Land Overlay
Defined Use	Food and drink Outlet Function Facility
Level of Assessment	Impact Assessment
Assessment Benchmarks	<ul style="list-style-type: none"> • Rural Zone Code • Services and Works Code

Approved by Delegated Authority: 

Date: 10/10/2020

5.0 PLANNING ASSESSMENT

In accordance with Section 82(4) of the Planning Act 2016, this application will be assessed against:

- (a) the assessment benchmarks;
- (b) any matters a referral agency must, may, or may only assess the application against or have regard to under section 55(2);
- (c) if the development to which the change application relates requires code assessment—any matters the assessment must be carried out having regard to under section 45(3)(b);
- (d) if the development to which the change application relates requires impact assessment—any matters the assessment must or may be carried out against or having regard to under section 45(5)(a)(ii) or (b).

5.1 Planning Regulation 2017

This section of the report includes an assessment of the proposed development against Schedule 10 of the Planning Regulation 2017 (the Planning Regulation).

5.1.1 Schedule 9 – Building Works

It is noted that assessment benchmarks and matters stated in Schedule 9 of the Regulation are not relevant to this development application for material change of use or reconfiguring a lot but may be relevant to subsequent development such as building work.

5.1.2 Schedule 10 – Assessable Development

The proposed development does not involve prescribed assessable development under Schedule 10.

5.1.3 Schedule 10 – Referral Agencies

The proposed change does not trigger assessment by a referral agency.

5.2 Other Matters for Impact Assessment

This section of the report includes an assessment of the proposed works against the other matters that impact assessment must have regard to as required by the Planning Regulation 2017 (section 31), namely:

- the Planning Scheme;
- the Regional Plan
- the State Planning Policy, to the extent the SPP is not identified in the planning scheme as being appropriately integrated in the planning scheme;
- any temporary State planning policy applying to the premises;
- any development approval for, and any lawful use of, the premises or adjacent premises; and
- the common material.

In accordance with section 45 (5) of the Planning Act, impact assessment is an assessment that –

- (a) must be carried out only
 - (i) against the **assessment benchmarks in a categorising instrument** for the development; and
 - (ii) having regard to **any matters prescribed by regulation** for this paragraph; and
- (b) may be carried out against, or having regard to, **any other relevant matter**, other than a person's personal circumstances, financial or otherwise.

Approved by Delegated Authority:



Date: 19/10/2020

In this instance under **section 45 (5)(a) of the Planning Act**, the categorising instrument for the development is the *South Burnett Regional Council Planning Scheme 2017 (v1.3)* under which the applicable assessment benchmarks are the Rural Zone Code and the Services and Works Code.

The planning assessment of the development considers the above assessment benchmarks and matters to the extent that the assessment benchmark and matter is relevant to the proposed change.

5.3 Planning Scheme

5.3.1 Defined Use

The proposed land use is defined under the Planning Scheme as a Food and Drink Outlet and Function Facility. The proposed change does not alter the defined land use.

5.3.2 Assessment Benchmarks

Pursuant to Table 5.5:13 – Categories of Development for the Rural Zone, a Material Change of Use for a Food and Drink Outlet and Function Facility is subject to impact assessment. The applicable assessment benchmark is the Planning Scheme.

The relevant assessment benchmarks are:

- Strategic Framework
- Rural Zone Code, including Bushfire, Flood, Agricultural Land and Biodiversity overlays
- Services and Works Code

5.3.2.1 Strategic Framework

The Strategic Framework has been reviewed and the proposed change does not conflict with the themes.

5.3.2.2 Rural Zone Code

The proposed change has been assessed against the purpose of the Rural Zone Code. The proposed change does not conflict with the Overall Outcomes or the Performance Outcomes of the Zone Code.

The proposed change enables the approved use to be carried out in all weather and creates an opportunity for enhanced visitor enjoyment. The Change does not cause fragmentation of agricultural land and does not compromise the current or future rural uses of the land. The proposed development is situated adjacent to the main house and within the non-agricultural area of the site.

The extended operating hours have been reviewed by Alpha Acoustics who deem the opening hours to be suitable on the basis that the volume does not exceed 40dB. As with the original approval, Alpha Acoustics have recommended a 3 month trial period to ensure that functions at the site do not exceed this volume.

The proposed Change has been assessed against the requirements of the overlays which affect the site and the overlays and natural features do not preclude the inclusion of the additional dining areas.

Approved by Delegated Authority



Date: 17/10/2020

5.3.2.4 Services and Works Code

The Applicant has sufficiently addressed the requirements of the Services and Works Code:

- The proposal includes an additional toilet for the function facility component and, together with the toilet for the house, the volume of effluent generated will be 2075L per day during functions.
Correspondence from Australian Soil Investigations dated 3 March 2020 identifies that the existing system on the site has sufficient capacity to deal with the expected volume of effluent.
- The increase in impervious area over the site will be minimal in the context of the greater site and is not expected to significantly increase stormwater runoff.
- The site has access to electricity, telecommunications, and water supply (tanks).
- The site has access to sealed roads via existing access points. Council's engineer has advised that the standard of construction of the access points is suitable and requires no further upgrading.
- Adequate car parking is proposed, and sufficient area is available for access and manoeuvring. Council's engineer has advised that formalisation of the car parking area via line marking or wheel stops is not required.
- No filling or excavation is proposed.

5.3.2.5 Key Issues

The key issues were included in the Information Request, dated 3 July 2020, and are discussed below:

Parking and Traffic Management

The original approval allowed for patronage of 100 persons at any time and five (5) car parking spaces were approved. The Change Application does not seek to increase the number of patrons, and proposes an additional seven car parks together with an additional twenty overflow spaces at the western edge of the proposed use area.

The use is in a rural area and sufficient land area exists to enable safe vehicle access, queuing and movement on the site and within private property. The additional overflow parks assist in providing for adequate car parking on the site for patrons.

The use and traffic generated is not considered to result in an adverse traffic impact.

Potable Water

The Applicant has demonstrated that sufficient potable water storage is available on the site for the proposed Change to the approved use.

5.3.2.6 Consultation

Public notification was undertaken between 30 July and 24 August 2020, and one properly made submission was received. The submitter raised concerns that the use currently operates 7 days per week until 10pm at night, causing noise and lighting nuisance.

The original approval included conditions which limited hours of operation from Friday, Saturday, Sunday and public holidays from 9am to 8pm. An acoustic assessment supported these hours of operation.

The current Change Application seeks to extend the hours of operation to 10pm on Friday, Saturday, Sunday and public holidays. Written agreement to this extension of hours was provided by Council in January 2020, and this application seeks to gain formal approval for the extension to hours of operation.

Approved by Delegated Authority:



Date: 19/10/2020

Conditions of approval can ensure Council is able to undertake any necessary compliance action should the operator be operating the premises outside of the hours conditioned and causing nuisance.

5.4 Wide Bay Burnett Regional Plan

Section 2.2 of the Planning Scheme states the Minister has identified that the Planning Scheme appropriately advances the Regional Plan and therefore an assessment of the proposed changes against the Regional Plan are not required.

5.5 State Planning Policy 2017

Section 2.1 of the Planning Scheme does not state the Planning Scheme appropriately advances any version of the SPP; however, this is an editing error and the Planning Scheme in fact appropriately advances the April 2016 version of the SPP. The changes in the SPP from 2016 and 2017 are considered minor and inconsequential for the proposed changes which are the subject of this application and therefore an assessment against the Planning Scheme is taken to be an assessment against the SPP (July 2017).

5.6 Common Material

The common material for the application is defined under Schedule 24 of the Planning Regulation and notably includes all application material, including plans, submissions or comments. The common material has been considered in assessment of this application and includes:

- Email correspondence from Alpha Acoustics dated 20 May 2020 which confirms that the use may operate plant until 10pm on the basis that the noise does not exceed 40dB.
- Letter from Australian Soil Investigations dated 3 March 2020, which confirms that the additional toilet

6.0 CONTRIBUTIONS / CHARGES

The South Burnett Regional Council Adopted Infrastructure Charges Resolution (No. 3) 2019 is applicable to the proposed extension of the floor areas and not the outdoor use areas. An infrastructure charges notice for transport network is attached.

7.0 GROUNDS FOR APPROVAL / RECOMMENDATION

Grounds to support the development

- The proposed change involves the addition of a shed for undercover dining; an outdoor dining area, extended hours of operation and additional days of operation. The use is small-scale and has limited external impacts given its rural location and restricted operating hours on three days of the week plus public holidays and days of Melbourne Cup and Valentines Day only.
- The amenity impacts of the proposal, including light and noise, can be managed through specific conditions of approval. Future compliance will be required with those conditions.
- The use is an impact assessable land use which is anticipated in the Rural Zone. The use complies with all acceptable outcomes and performance criteria, and does not prejudice the use of the site or surrounding land for agricultural purposes in the future.
- The proposed change continues to advance the Strategic Framework and does not cause the existing approved use to conflict with any strategic provisions.

On balance, the proposed change to the approved development is appropriate and can be managed through compliance with conditions. On this basis, we recommend Council approve the proposed development, subject to the conditions outlined herein.

17 of 26

Approved by Delegated Authority



Date 14/10/2020

INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT: D G Henry
 88 Beare Road
 MAIDENWELL QLD 4615
 O'Reilly Nunn Favier - ONF Surveyors
 PO Box 896
 KINGAROY QLD 4610

APPLICATION: Food and drink outlet & Function Facility - Total use area will now be 590sqm.

DATE: 28/07/2020

FILE REFERENCE: MCU18/0015.02

AMOUNT OF THE LEVIED CHARGE: <i>(Details of how these charges were calculated are shown overleaf)</i>	\$483.60	Total
	\$0.00	Water Supply Network
	\$0.00	Sewerage Network
	\$483.60	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 12 RP28694

SITE ADDRESS: 88 Beare Rd, Maidenwell

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)

Approved by Delegated Authority:



Date: 19/10/2020

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: 19/10/2020

DETAILS OF CALCULATION

Water Supply

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

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
Commercial Retail (Food & Drink Outlet)	11.9	m2	\$24.00	CR Table 2.2	\$285.60
Place of Assembly (Stage Area)	18	m2	\$11	CR Table 2.2	\$198.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Nil	-	-	\$0.00	-	\$0.00

Approved by Delegated Authority:



Date: 17/10/2020

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
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
Commercial Retail (Food & Drink Outlet)	\$0.00	\$0.00	\$285.60	\$0.00	\$0.00	\$285.60
Place of Assembly (Stage Area)	\$0.00	\$0.00	\$198.00	\$0.00	\$0.00	\$198.00
Total	\$0.00	\$0.00	\$483.60	\$0.00	\$0.00	\$483.60

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

Yours faithfully

SOUTH BURNETT REGIONAL COUNCIL

CHIEF EXECUTIVE OFFICER

Approved by Delegated Authority



Date 19/10/2020

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.

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: 19/10/2020

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.

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 17/10/2020

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	Other Change (s82) – Material Change of Use for Food and Drink Outlet and Function Facility
Level of Assessment	Impact
Application No	MCU18/0015.02
Name of Applicant	D G Henry c/- ONF Surveyors
Street Address	88 Beare Road, Maidenwell
Real Property Address	Lot 12 RP28694

On xx October 2020 the above development was:

- Approved in full, with conditions;
- Approved in full, without conditions;
- Refused;
- Approved in part with conditions and refused in part.

1. Reasons for the Decision

The Change Application seeking an 'Other Change' to Development Permit for Material Change of Use for a Food and Drink Outlet and Function Facility is supported by the relevant provisions of the *South Burnett Regional Council Planning Scheme*. The proposal is supported on the following grounds:

- ☒ The approved development, including the change, continues to meet current laws and policies.
- ☒ Conditions can be applied to the development approval to ensure the development approval, including the change, can meet current laws and policies.

2. Assessment Benchmarks

The following benchmarks apply to this development:

- South Burnett Regional Council Planning Scheme 2017:
 - Strategic Framework
 - Rural Zone Code
 - Services and Works Code

Approved by Delegated Authority:



Date: 19/10/2020

3. Compliance with Benchmarks

ASSESSMENT MATTERS		
Relevant matters	The proposed development was assessed against the following relevant matter/s: - Assessment Benchmarks listed above	
Matters raised in submissions	Issue	How matter was dealt with
	One submission was received. The submission related to hours of operation and associated noise.	An assessment by an acoustic consultant identifies that noise levels should remain below 40dB for evening activities. The conditions of approval require that the use adheres to this noise level and that the 10pm closing time is given a trial period of 3 months.
Assessment Benchmarks	Issue	Reason for approval despite non-compliance
	Nil – no areas of non-compliance were identified.	Not Applicable.

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

Approved by Delegated Authority:



Date: 17/10/2020

ATTACHMENTS

Nil


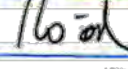

Delegated Authority



Date: 29/10/2020

0.0 REQUEST FOR NEGOTIATED DECISION NOTICE - MATERIAL CHANGE OF USE (PIGGERY EXPANSION) AT 225 ELBOW ROAD, SUNNY NOOK AND OTHER PROPERTIES - LOT 13 SP 139361 AND OTHER LOTS - APPLICANT: SUNNYNOOK FARMS PTY LTD - MCU19/0011

File Number: MCU19/0011
Author: Senior Planner
Authoriser: Chief Executive Officer

	SIGNATURE	DATE
MANAGER		29/10/2020
GM		4/11/2020
CEO		4.11.2020

PRECIS

Material change of use application for Expansion of existing piggeries at 1 1 & 225 Elbow Road and other properties - 13 SP139361, 15-17 FY425 and other lots -Applicant: Sunnynook Farms Pty Ltd -MCU19/0011

SUMMARY

- The applicant submitted representations on 30 September 2020 requesting a Negotiated decision notice in relation to the Material change of use – Development permit (Intensive animal industry);
- The nature of the requested amendments and inclusions relate to:
 - o GEN4 Stage development permit - All stages must be completed within eight (8) years of the development approval starting to have effect.

OFFICER'S RECOMMENDATION

That the applicant's request that Condition GEN4 be deleted in relation to the Intensive animal industry (piggery expansion) approval be refused on the basis that:

- The condition applied within the Decision notice is both reasonable and relevant pursuant to Section 65 of the Act;
- The Act affords Council the authority to impose a condition requiring all stages to be completed within a certain timeframe;
- A public submission was received in objection to the original development application and has expectations that the development will be completed in accordance with the Act;
- The condition ensures that all stages in the approved development are to be completed within the timeframe in accordance with Section 85 & 88 of the Act;
- The eight (8) year development approval gives greater certainty to the broader community and the Act permits the applicant to apply to extend the period under Section 86 of the Act prior to the development approval lapsing.

Delegated Authority



Date: 20/10/2020

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 identified.

POLICY/LOCAL LAW/DELEGATION IMPLICATIONS

No implication can be identified.

ASSET MANAGEMENT IMPLICATIONS

No implication can be identified.

Delegated Authority

Date:

Report

Background / Introduction

Council approved the application for a Material change of use (Intensive animal industry – piggery expansion) at the subject site on Wednesday, 16 September 2020 subject to conditions. The decision notice was issued to the applicant on 23 September 2020.

Pursuant to Section 74 of the *Planning Act 2016*, the applicant may change the development approval, during the applicant's appeal period, by making change representations to Council to change the conditions of the approval. The applicant's appeal period starts on the date the decision notice is given to the applicant and expires within 20 business days from this date.

Council received the applicant's change representations on 30 September 2020 and are considering the change representations were received within the applicant's appeal period.

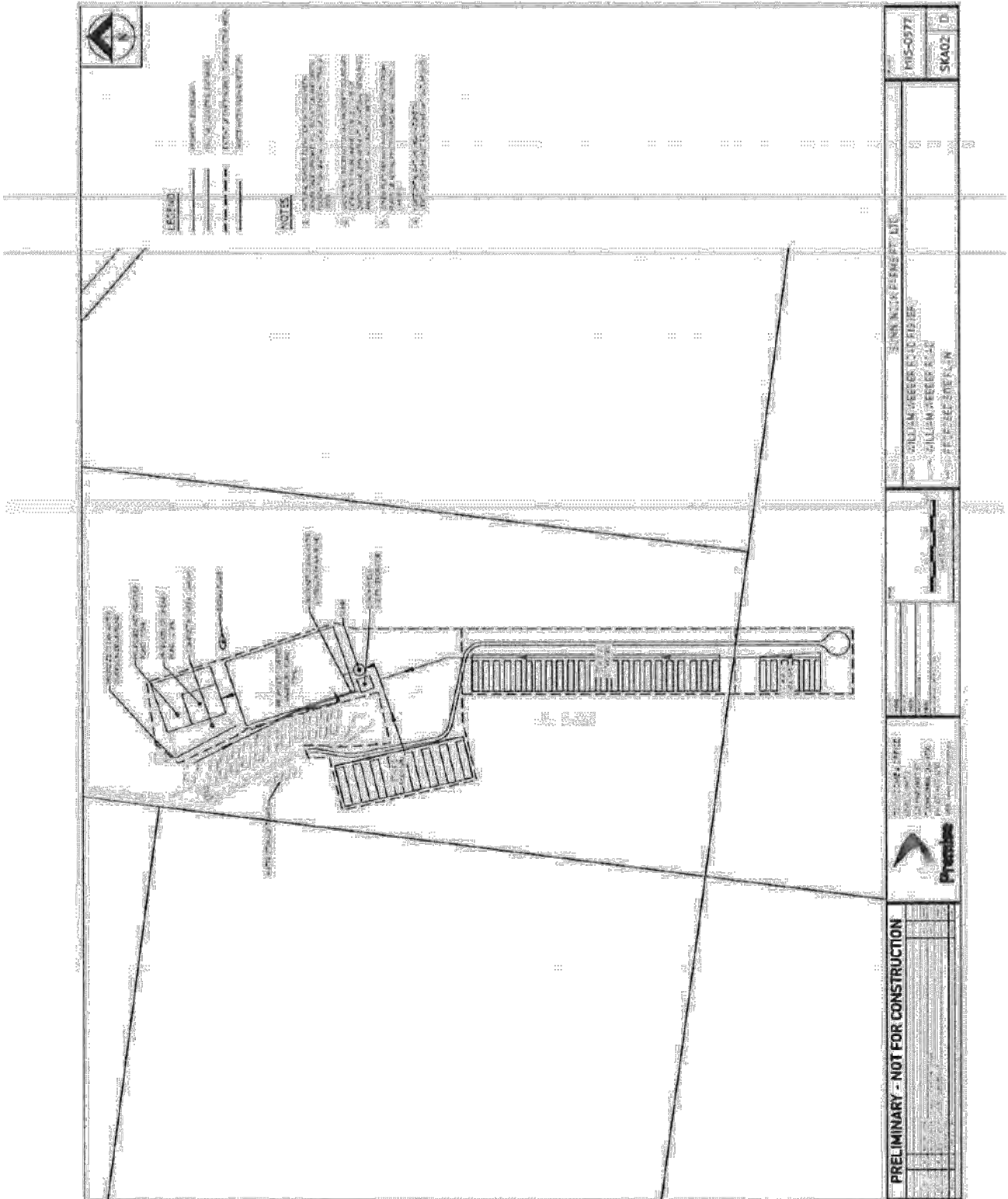
APPLICATION DETAILS	
Application Number:	MCU19/0011
Applicant:	Bishop c/- Agricultural Development Services Australia Pty Ltd
Type of Application:	Request for Negotiated Decision Notice
Appeal Period Suspended:	29 September 2020
Representations Received Date:	30 September 2020

SITE AND LOCALITY DESCRIPTION	
Street Address & RP Description:	Lot 15 on FY425-1894 Murgon-Gayndah Road CLOYNA Lot 13 on SP139361 - 225 Elbow Road SUNNY NOOK Lot 1 RP on 911368 - William Webber Road SUNNY NOOK Lot 17 on FY 425 - William Webber Road SUNNY NOOK QLD 4605 Lot 16 on FY 425 - William Webber Road CLOYNA QLD 4605 Lot 4 on SP157518 - 161 Elbow Road MERLWOOD
Assessment Type:	Impact assessment
Number of Submissions:	One (1) Submission received.
State Referral Agencies:	SARA – Concurrence Agency <ul style="list-style-type: none"> • Schedule 10, Part 5, Division 4, Table 2, Item 1 - Development application for Environmentally Relevant Activities; • Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 - Development application exceeding the State transport infrastructure threshold; • O Schedule 10, Part 9 Division 4, Subdivision 2, Table 4, Item 1 - Development application for material change of use within 25 metres of a State transport corridor
Referred Internal Specialists:	Consultant Development Engineer Senior Environmental Health Officer

Delegated Authority

Date: 20/11/2020

PROPOSAL PLAN



Source: Applicant

Delegated Authority



Date: 20/10/20

SITE AND LOCALITY DESCRIPTION		
Land Area:	Lot 15 on FY425-123.7ha Lot 13 on SP139361 - 128.3ha Lot 1 on RP911368 -83.84ha Lot 17 on FY425-62.22ha Lot 16 on FY425 -97.5ha Lot 4 on SP157518 - 83.65ha	
Existing Use of Land:	William Webber Road - grow out facility with a capacity of 5,200 standard pig units. 225 Elbow Road -weaner/grower facility with a capacity of 3,000 standard pig units. 161 Elbow Road - grow out facility with a capacity of 1,500 standard pig units consisting of four deep litter eco-shelters with approval for a fifth.	
Road Frontage:	William Webber Road Murgon Gayndah Road Elbow Road	
Road/s	Road Hierarchy	
Murgon Gayndah Road	Main Road	Two-lane road with sealed with of approximately 8metres 1 00km/hr posted speed limit
William Webber Road	Gazetted but unconstructed	Local road - two-lane sealed width ranging between 3.9 metres and 3.9metres. 100km/hr posted speed limit but not necessarily conducive to the environment.
Elbow Road	Access Primary	Local road - two-lane sealed width approximately 4m
Easements	Easement over Lot 4 on SP157518 which will not affect the Piggery Expansion.	
Significant Site Features:	Nil – refer to aerial image.	
Topography:	The site terrain is undulating with elevations ranging from 324m to 260m above sea level. The existing William Webber piggery is located on the side of a centrally located hill with an approximate elevation of 287m. The site generally slopes from this hill towards the property boundary in the north and north-west.	
Surrounding Land Uses:	Land Use	Zone/Precinct
	There are multiple receptors surrounding the property. The nearest sensitive receptor to the Stage 1 development is 575m east of the 161 Elbow Road piggery and the nearest receptor to the Stage 3 development is 1,025m east of the William Webber Road piggery. All	Rural

Delegated Authority

Date: 20/10/2020

	<p>properties containing receptors are identified as lawfully established dwelling houses in the Rural zone under the planning scheme.</p> <p>There is a mixture of land uses in the area with multiple other piggeries, grazing land, some cropping land and some smaller blocks with minimal farming activity.</p> <p>The piggery site is located approximately 26.5km north-east of Proston and approximately 16km north-west of Murgon.</p>	
<p>Services:</p>	<p>Electricity</p>	

<p>APPROVED DEVELOPMENT</p>	
<p>Type of Approval:</p>	<p>Material change of use – Development permit</p>
<p>Approved Development:</p>	<p>Piggery Expansion</p> <p>Intensive Animal Industry – Consolidation of existing piggeries</p> <p>Existing:-</p> <ul style="list-style-type: none"> - 5,200spu at William Webber Road (Pig City) <ul style="list-style-type: none"> - Grow out facility – 4 deep litter eco-shelter style sheds and 7 conventional pull-plug sheds - 3,000spu at 225 Elbow Road <ul style="list-style-type: none"> - Farrow and finish facility – 2 main sheds with multiple smaller sheds - Primary site for Sunnynook operations including office and machinery shed/workshop - 1,500spu at 161 Elbow Road <ul style="list-style-type: none"> - Grow out facility – 4 deep litter eco-shelters - TOTAL SPUs – 9,700sps <p>The proposed piggery complex is setback over 200m from William Webber Road frontage. Effluent irrigation areas will maintain a 20m buffer from the property boundary.</p> <p>Stage 1:-</p> <ul style="list-style-type: none"> - Addition of 8 weaner sheds to William Webber Road Piggery - Stage 1 GFA – 6,624.4sqm - Total capacity 13,200spu of William Webber Road Piggery (^8,000spu)

Delegated Authority

Date: 20/10/2020

	<ul style="list-style-type: none"> • Total capacity 17,700spu across the 3 sites • No change to other piggeries • Conversion of deep litter sheds to conventional sheds (no floor area change) <p>Stage 2:-</p> <ul style="list-style-type: none"> • Addition of 23 new grower sheds at William Webber Road Piggery • Stage 2 GFA – 9,660sqm • Total capacity 24,700spu of William Webber Road Piggery (^16,700spu) • Destocking Elbow Road Piggeries <p>Stage 3:-</p> <ul style="list-style-type: none"> • Addition 6 new grower sheds at William Webber Road Piggery • Stage 3 GFA – 2,520sqm • Total capacity 27,700spu rounded to 28,000spu for approval purposes of William Webber Road Piggery (^3,000spu)
<p>Variations Sought:</p>	<p>N/A</p>
<p>Level of Assessment:</p>	<p>Impact assessable</p>
<p>Area to be used:</p>	<p>Refer to SKA02 Rev D 13 May 2020</p> <p>Stage 1 - 6,624.4sqm</p> <p>Stage 2- 9,660sqm</p> <p>Stage 3 - 2,520sqm</p>
<p>Impervious Area:</p>	<p>As per approved plans</p>
<p>Site Cover:</p>	<p>As per approved plans</p>
<p>Parking & Service Vehicle Provision:</p>	<p>Heavy vehicles and service vehicles will generally park near the area they are servicing.</p> <p>Feed trucks will park adjacent to the silo that requires filling, pig trucks will park adjacent to the loading ramp and service vehicles will park in open space near their work area.</p> <p>Other staff and visitor parking is available adjacent to the storage shed. Internal roads have been designed to minimise reversing and allow for heavy vehicle manoeuvring.</p>
<p>Submissions Received:</p>	<p>One (1) submission received.</p>
<p>Decision Notice Issued:</p>	<p>23 September 2020</p>

Delegated Authority



Date: 25/10/2020

CONSULTATION:

Referral Agencies

SARA as part of the original development application.

Other Referrals

INTERNAL SPECIALIST	REFERRAL	REFERRAL / RESPONSE
Development Engineer		No comment required.
Infrastructure Charges Unit		N/A.

PUBLIC NOTIFICATION

Public notification was carried out for the original application. During the notification period, one submission was received by the assessment manager.

Planning Considerations

Section 76(1) of the *Planning Act 2016* establishes the following parameters in relation to the assessment of change representations made during the appeal period:

76 Deciding change representations

(1) The assessment must assess the change representations against and having regard to the matters that must be considered when assessing a development application, to the extent those matters are relevant.

Assessment of Proposed Changes – Change to Conditions of the Development Approval

Changes to the conditions of approval have been proposed by the applicant shown as applicant's change representations, the officer's assessment of the proposed amendments and any recommended amendments to the condition/s.

Applicant's Change Representations

"This condition was implemented under Section 88 of PA. However, this section does not require this to be conditioned but ensures that the development approval lapses if this condition is not complied with. This section indicates that the entire approval lapses, not just any stages not yet completed. This would result in a new development application and environmental authority being completed which would need to consider any new developments in the area."

It is anticipated that the first two stages of the proposed development will be completed within eight years. However, as per the Development Assessment Report, the third and final stage was included to provide flexibility for the future within timelines for the development of these stages only provided for the purposes of estimating traffic impacts. The pork market has fluctuated significantly in the last

Delegated Authority



Date: 24/10/2020

few years for a variety of unexpected reasons. This final stage of the development was proposed with consideration of these fluctuations and to allow Sunnynook to reach their final capacity should the market require it.

SBRC advised via email, dated 28 September 2020, that the condition was implemented under Section 88 of PA to 'provide greater certainty to the broader community'. AgDSA do not believe that restricting a development to this timeframe provides any increase in certainty to the broader community and only increases uncertainty for a family business looking to make a significant economic contribution to a rural area and secure their long term future. In our opinion, there is no difference to the community if the final stage of the piggery is completed by 2028 or, for example, by 2035. If the development is completed by 2028, then the relative impacts will have either not changed by 2035 or will have lessened, particularly as background traffic increases.

In AgDSA's experience, communities are unlikely to see a significant difference between a piggery with a capacity of 25,000 SPU or 28,000 SPU.

AgDSA acknowledge that the currency period can be extended but Section 88 of PA does not indicate that a conditioned period cannot be extended without the submission of a change application. This provides an unnecessary administrative burden on the applicant and a significant risk that the entire development application lapses."

Officer's Response

The *Planning Act 2016* includes a number of provisions which were used in the initial assessment and conditioning of the proposed development.

"Section 85 Lapsing of approval at end of currency period

- (1) A part of a development approval lapses at the end of the following period (the **currency period**) –
 - (a) for any part of the development approval relating to a material change of use – if the first change of use does not happen within –
 - (i) the period stated for that part of the approval, or
 - (ii) if no period is stated – 6 years after the approval starts to have effect;

"Section 88 Lapsing of approval for failing to complete development

(1) A development approval, other than a variation approval, for development lapses to the extent the development is not completed within any period or periods required under a development condition....."

Council conditioned that all stages of the development must be completed within eight (8) years of the development approval starting to have effect. The applicant's representations stated the reason for the given timeline for Stage 3 was purely for the estimation of traffic impacts.

It is considered desirable and common practice to condition an end date for staged development. There is no argument that the proposed development is an economic contributor to the community and is appropriate for the locality however, Council must consider the implications to the surrounding

Delegated Authority



Date 20/10/2020

community and potential impact upon the road network as a result of development in the future. Should the development exceed the set time frame and with unknown completion date the potential impact upon future land being developed for rural activities including intensive animal industries may endure the cost of this development.

The applicant (AgDSA) clearly stated that the family business is looking to make a significant economic contribution to a rural area and secure their long term future. By using the applicant's assertions it would be considered beneficial for the piggery expansion to occur swiftly, not linger for another 15-20 years to complete.

A person (applicant) may make an application (an extension application) to Council (assessment manager) to extend the currency period of a development approval before the approval lapses. It is up to the applicant not Council to ensure that the development approval remains current and should the remaining stage/s not have been completed within the period required under a development condition the *Planning Act, 2016* outlines the requirements to apply to extend a period before the application lapses.

The statement by the applicant "*This provides an unnecessary administrative burden on the applicant and a significant risk that the entire development application lapses.*" is in fact untrue and that the stage/s that have been completed do not lapse it is only the uncompleted stage that lapses if an extension is not sought before the end of the currency period.

I do not agree with the applicant who states that "*This section indicates that the entire approval lapses, not just any stages not yet completed*". For a staged approval any aspect completed ie. Stage 1 and 2 out of 3 stages is lawful and any stage or part of the stage not complete prior to the lapsing date, will lapse.

While it may not be considered reasonable by the applicant to impose a condition requiring a staged development to be fully completed within a set time, the Act gives Council the power to impose such a condition. This eight (8) year development approval gives greater certainty to the broader community and Council in considering and approving development applications for adjoining land in the rural locality whereby traffic and heavy vehicle movements may have greater impact on Council roads. It is important to note that a public submission was received in objection to the original development application and has expectations that the development will be completed in accordance with the Act.

Recommendation – It is Council's opinion that the condition is not unreasonable to the extent that no reasonable Council would have imposed the condition and relevant within the context of the proposed staging and that condition GEN4 remains unchanged.

CONCLUSION:

The requested change representations have been assessed with regard to the applicable assessment framework as identified within this report. The proposed change to condition GEN4 have been refused.

The attached Statement of Reasons (refer Attachment A) is not required to be amended.

Delegated Authority

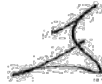
Date: 2/10/2020

Locality Plan



Figure 1 - Aerial Image. (Source: Qld Globe)

Delegated Authority



Date: 24/11/2020

Aerial Plan

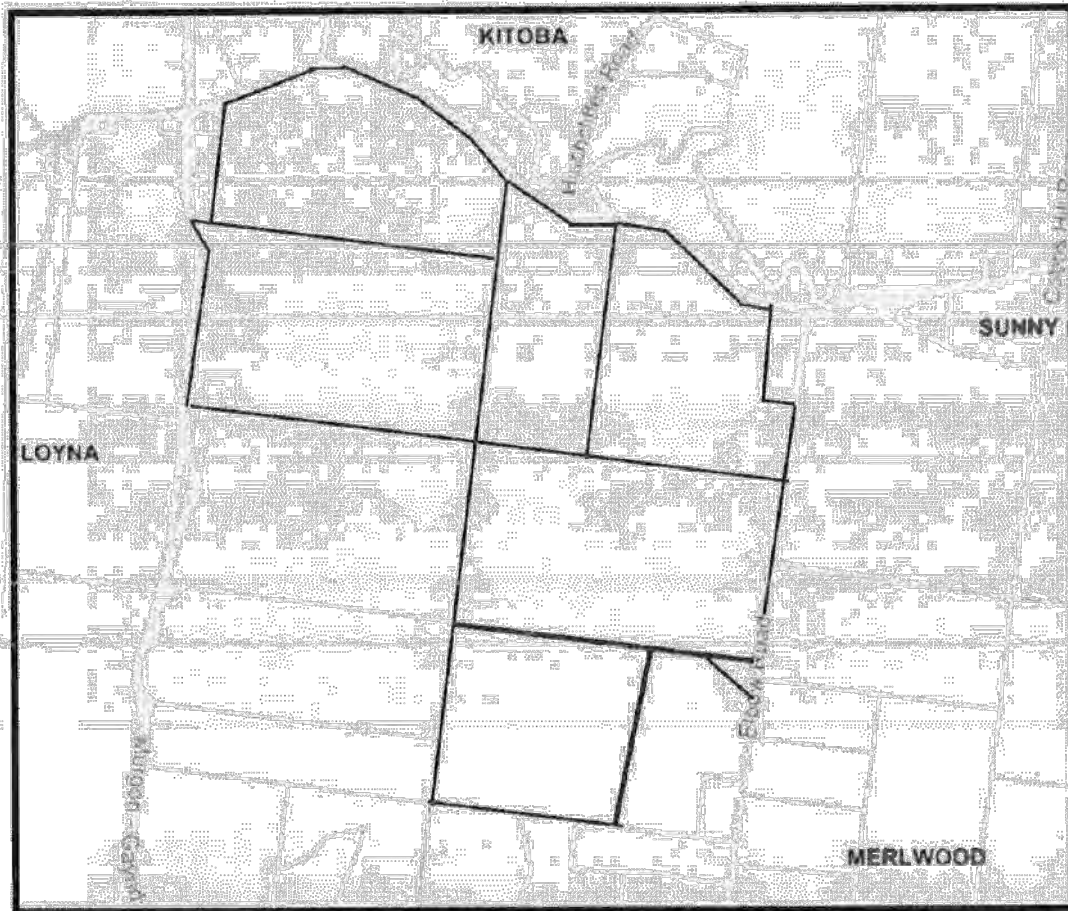


Figure 2 - Locality Plan (Source: IntraMaps)

Delegated Authority



Date: 26/10/2020

ATTACHMENTS

NII

Delegated Authority

Date 20/10/2020

ATTACHMENT A – 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

SITE DETAILS	
Street Address & RP Description:	Lot 15 on FY425 -1894 Murgon-Gayndah Road CLOYNA Lot 13 on SP139361 - 225 Elbow Road SUNNY NOOK Lot 1RP on 911368 - William Webber Road SUNNY NOOK Lot 17 on FY425 - William Webber Road SUNNY NOOK QLD 4605 Lot 16 on FY425 - William Webber Road CLOYNA QLD 4605 Lot 4 on SP157518 - 161 Elbow Road MERLWOOD
Site Area	Lot 15 on FY425 – 123.7ha Lot 13 on SP139361 – 128.3ha Lot 1RP on 911368 – 83.84ha Lot 17 on FY425 – 62.22ha Lot 16 on FY425 – 97.5ha Lot 4 on SP157518 – 83.65ha

PROPOSED DEVELOPMENT	
Name of Applicant	Sunnynook Farms Pty Ltd
Type of Application	Material Change of Use – Development Permit
Proposed Development	Intensive Animal Industry – Consolidation of existing piggeries Stage 1 – Addition of 20 Sheds to William Webber Road Piggery (Total capacity 15,200SPU). Total capacity across the 3 sites to 19,700 SPU) Stage 2 – Destocking Elbow Road Piggeries and construction of 10 additional sheds to the William Webber Road Piggery – Total capacity of 20,200 SPU) Stage 3 – Construction of an additional 18 sheds at the William Webber Road Piggery – Total capacity 29,000 SPU
Level of Assessment	Impact Assessment
Area of Development	Refer to SKA02 Rev D 13 May 2020 Stage 1 – 6,624.4sqm Stage 2 – 9,660sqm Stage 3 – 2,520sqm
Parking & Service Vehicle Provision	Heavy vehicles and service vehicles will generally park near the area they are servicing. Feed trucks will park adjacent to the silo that requires filling, pig trucks will park adjacent to the loading ramp and service vehicles will park in open space near their work area. Other staff and visitor parking is available adjacent to the storage shed. Internal roads have been designed to minimise reversing and allow for heavy vehicle manoeuvring.
Submissions Received	One (1) public submission received in objection
Decision	Approved subject to conditions
Negotiated Decision Date	20 October 2020

Delegated Authority



Date: 25/10/2020

1. Assessment Benchmarks

The proposed development was assessed against the following assessment benchmarks:
South Burnett Regional Council Planning Scheme 2017 v1.3

- Rural zone code;
- Overlays; and
- Services and works code.

2. Reasons for the Decision

The reasons for this decision are:

- The proposed material change of use for an Intensive animal industry (piggery expansion) is considered an appropriate land use for a site located within the rural zone.
- The piggery expansion has been designed and sited in accordance with the National Environmental Guidelines for Indoor Piggeries (NEGIP).
- No sheds are proposed forward of the existing piggery therefore additional buffering or screening is not considered necessary.
- The proposed built form maintains the rural amenity and character of the locality.

Overall, there are no conflicts with the planning scheme identified and reasonable and relevant conditions are included to manage or mitigate potential impacts from the use such that use maintains acceptable amenity outcomes in the rural locality.

3. Compliance with Benchmarks

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: 3 November 2020

0.0 RAL20/0014 RECONFIGURATION OF A LOT (1 INTO 2 LOTS) LOT 37 ON BO44, 816 COVERTY ROAD, BALLOGIE

File Number: RAL20/0014
Author: Senior Planner
Authoriser: Chief Executive Officer

	SIGNATURE	DATE
MANAGER		3/11/2020
GM		4/11/2020
CEO		4/11/2020

PRECIS

RAL20/0014 RECONFIGURATION OF A LOT (1 INTO 2 LOTS) LOT 37 ON BO44, 816 COVERTY ROAD, BALLOGIE

SUMMARY

- Application for Reconfiguring a lot – Development permit (1 lot into 2 lots):
 - o Proposed Lot 1 includes dam and outbuildings with a total area of 177ha;
 - o Proposed Lot 2 includes Category B regulated vegetation with a total area of 324ha
- Access to proposed lots is via Covert Road of which is a 6m wide unsealed road;
- Subject site included within the Rural zone under the South Burnett Regional Council Planning Scheme;
- The proposed lots meet the 100ha minimum lot size for the rural zone as required in Table 8.4.2 of the planning scheme and is therefore subject to Code assessment;
- No vegetation clearing is proposed;
- No referral to SARA;
- Proposal triggered assessment against Reconfiguring a lot code, Rural zone code and Services & works code;
- The application has been assessed against the overall outcomes and performance outcomes of the relevant codes and conditioned to comply;
- Recommendation that Council approve the subdivision in full subject to reasonable and relevant conditions including an Infrastructure Charges Notice

OFFICER'S RECOMMENDATION

That Council approve in full a development permit for Reconfiguring a lot (1 lot into 2 lots) at 816 Covert Road, Ballogie (and described as Lot 37 on BO44) subject to the following conditions:

General

GEN1. The development must be completed and maintained generally in accordance with the approved plans and documents and any amendments arising through conditions to this development approval:

Drawing Title	Prepared by	Ref no.	Rev	Date
Proposed Subdivision	ONF Surveyors	8155P/1	A	11/8/2020

Nb. The Dwelling house and sheds as nominated on the proposed subdivision plan do not form part of the approval nor indicate formal permits have been obtained.

GEN2. All works, including the repair or relation of services is to be completed at no cost to Council.

Compliance

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.

Approved by Delegated Authority:

Date: 3 November 2020

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

GEN4. Prior to sealing the Survey Plan 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

RAL1. Prior to the submission of the Survey Plan to Council, the applicant is to reinstate survey marks and install new survey marks in their correct position in accordance with the Survey Plan, and the work is to be certified in writing by a Licensed Surveyor.

Natural Resources Valuation Fees

RAL2. Payment of *Department of Natural Resources and Mines* valuation fee that will result from the issue of split valuations prior to Council sealing the Survey Plan. 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 Regulatory & Cost-Recovery Fees and the rate applicable at the time of payment.

Engineering Works

ENG 1 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.

ENG 2 Undertake Engineering designs and construction in accordance with the Planning Scheme, Standard Drawings, and relevant design manuals.

ENG 3 Be responsible for any alteration necessary to electricity, telephone, or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

Location, Protection and Repair of Damage to Council and Public Utility Services

Infrastructure and Assets

ENG 4 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.

ENG 5 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

ENG 6 Provide overland flow paths that do not alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.

ENG 7 Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

ENG 8 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.

Approved by Delegated Authority:



Date: 3 November 2020

Vehicle Access

ENG 9 For each lot, 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 Rev B, including adequate sight distance.

Advice

Contaminated Land/Environmental Management Register

ADV1. This development approval does not remove the property from being listed on the State Government EMR or CLR therefore you have a duty of care in relation to *the nature and extent of contamination present and any risks it may pose to human health or the environment.*"

It may therefore be prudent for you to investigate or deal with any contamination issues. Failure to do so may result in the lot remaining on the EMR or CLR and any new lot is also automatically listed. You must then give notice to any potential buyers that the land is listed on the EMR or CLR.

ADV2. The currency period for this development approval is two (2) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

ADV3. 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 and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

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

18
19

Approved by Delegated Authority:



Date: 3 November 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 identified.

POLICY/LOCAL LAW/DELEGATION IMPLICATIONS

No implication can be identified.

ASSET MANAGEMENT IMPLICATIONS

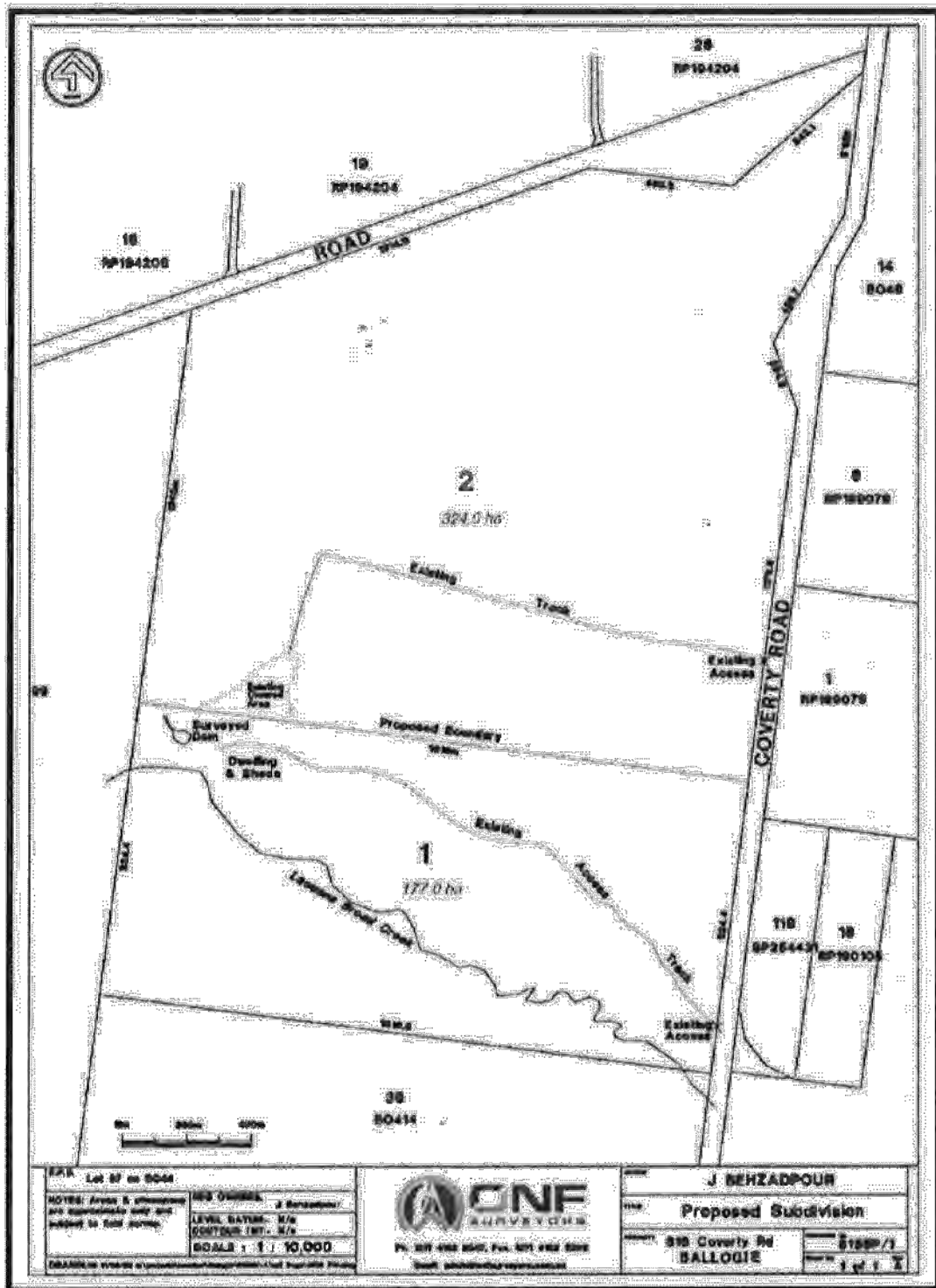
No implication can be identified.

Approved by Delegated Authority:



Date: 3 November 2020

PROPOSAL PLAN



Source 1: Applicant

Approved by Delegated Authority:

Date: 3 November 2020

REPORT

The applicant seeks approval for a Reconfiguration of a lot – 1 lot into 2 lots.

APPLICATION SUMMARY	
Applicant:	J Behzadpour CI-ONF Surveyors
Proposal:	Reconfiguration of a lot (1 lot into 2 lots)
Properly Made Date:	16 September 2020
Street Address:	816 Coverty Road, Ballogie
RP Description:	Lot 37 on BO44
Assessment Type:	Code
Number of Submissions:	N/A
State Referral Agencies:	Nil
Referred Internal Specialists:	Development Engineer

The following table describes the key development parameters for the proposal:

DEVELOPMENT PARAMETERS	
Number of Proposed Lots	1 lot into 2 lots
Size of Proposed Lots	Lot 1: 177.0ha Lot 2: 324.0ha
Easements	Nil
Covenants	Nil

SITE DETAILS:

SITE AND LOCALITY DESCRIPTION		
Land Area:	501ha	
Existing Use of Land:	Dwelling and associated outbuildings	
Road Frontage:	Coverty Road	
Road/s	Road Hierarchy	
Coverty Road	Access primary road (unsealed 6m gravel width)	
Topography:	Gradual slope along the proposed boundary line	
Surrounding Land Uses:	Land Use	Zone/Precinct
North	Subdivision (Rural residential uses 40ha lots)	Rural
South	Grazing Land	Rural
East	Grazing Lots & Rural Subdivision (Rural residential uses)	Rural
West	Grazing Land	Rural

Background / Site History

APPLICATION NO.	DECISION AND DATE
	Nil

Approved by Delegated Authority:



Date: 3 November 2020

ASSESSMENT:
Framework for Assessment
Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following Categorising Instruments may contain Assessment Benchmarks applicable to development applications:

- The *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any Temporary Local Planning Instrument
- any Variation Approval

Of these, the planning instruments relevant to this application are discussed in this report.

Assessment Benchmarks Pertaining to the Planning Regulation 2017

The following Assessment Benchmarks from the *Planning Regulation 2017* are applicable to this application:

PLANNING REGULATION 2017 DETAILS	
Assessment Benchmarks:	Nil.
WBB Regional Plan Designation:	N/A.

Assessment Benchmarks Pertaining to the Planning Scheme

The applicable planning scheme for the application is South Burnett Regional Council Version 1.3. The following sections relate to the provisions of the Planning Scheme.

Planning Scheme:	South Burnett Regional Council Planning Scheme Version 1.3
Strategic Framework Land Use Category:	Nil.
Zone:	Rural
Precinct:	N/A
Consistent/Inconsistent Use:	Consistent use. Development meets the minimum 100ha lot size
Assessment Benchmarks:	Reconfiguring a lot code, Rural zone code and Services & works code

Assessment Benchmarks – Planning Scheme Codes

The application has been assessed against each of the applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below:

PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME
RURAL ZONE CODE	
PO1 Development maintains rural amenity and character.	Complies - The development maintains the rural amenity and also maintains the capacity of land for rural uses and activities to occur.
PO2 Development does not jeopardise the rural production capacity of the Zone.	Complies - The development continues to provide suitable area of rural zoned land in excess of the 100ha minimum lot size.
PO3 Development does not result in any degradation of the natural	Complies - The proposal does not incorporate the removal of vegetation.

Approved by Delegated Authority:

Date: 3 November 2020

environment, in terms of the geotechnical, physical, hydrological and environmental characteristics of the site and its setting.	
PO4 Development is not exposed to risk from natural hazard relating to land slip.	Complies – No built form is proposed as a result of the development nor the land is within an identified land slip hazard area.
PO5 Development is adequately serviced.	Complies – The existing rural land will utilise any existing services.
PO6 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.	Non-Compliant - The site is identified on the contaminated land register as a Stock Dip. Information available from State Government Department website states that "if you are the owner of a parcel of land which is listed on the Environmental Management Register (EMR) or the Contaminated Land Register (CLR), and you wish to reconfigure the lot, you need to be aware of the nature and extent of contamination present and any risks it may pose to human health or the environment. If you subdivide the lot and take no action to investigate or deal with any contamination issues, the lot remains on the EMR or CLR and any new lot is also automatically listed. You must then give notice to any potential buyers that the land is listed on the EMR or CLR." The applicant is to ensure that future development does not pose a health risk from the previous activities.
PO7 to PO14	Not applicable.
PO15 The productive capacity and utility of agricultural land for rural activities is maintained.	Complies – The property is not identified as good quality agricultural land covered by remnant vegetation. The reconfiguration.
PO16 to PO20	Not applicable.
PO21 Development is not placed at unacceptable risk from bushfire; does not increase the extent or severity of bushfire and maintains the safety of people and property from bushfire	Complies – No buildings are proposed as part of the subdivision. Normal firebreaks would apply however, further bushfire assessment will be required should buildings/structures be proposed as part of the building development assessment process.
PO22 Community infrastructure in any area mapped as Very High to Medium (Potential Intensity) Areas are able to function effectively during and immediately after bushfire events.	Refer above.
PO23 Public safety and the environment are not adversely affected by the detrimental impacts of bushfire on hazardous materials manufactured or stored in bulk.	
PO24 Major risks to the safety or property and to the wellbeing of occupants in areas mapped as Very High to Medium (Potential Intensity) Areas is minimised through appropriate siting, servicing and managing of residential premises.	
PO25 to PO27	Not applicable.
PO28 Development is not exposed to risk from flood events by responding to flood potential and maintains personal safety at all times.	Complies – A portion of the existing lot is affected by the flood hazard overlay. There is sufficient land available outside of the nominated hazard areas for development.

Approved by Delegated Authority:

Date: 3 November 2020

PO29 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.	Refer above.
PO30 Development avoids the release of hazardous materials into floodwaters.	
PO31 Community infrastructure in any area mapped as Flood Hazard is able to function effectively during and immediately after flood.	
PO32 to PO39	Not applicable.
RECONFIGURING A LOT CODE	
PO1 to PO6	Not applicable.
PO7 Allotments are of sufficient size and dimensions to meet the requirements of the users and provide for servicing of the intended use.	Complies – The area of land for both lots are in excess of the minimum area of land required for rural zoned property.
PO8 Lots have lawful, safe and practical access.	Condition - Access to both lots to be conditioned in accordance with rural access standard drawing.
PO9 to PO15	Not applicable.
PO16 The productive capacity and utility of agricultural land for rural activities is maintained.	Complies – The lots are not identified as GQAL.
PO17 to PO18	Not applicable.
PO19 Development is not placed at unacceptable risk from bushfire, does not increase the extent or severity of bushfire and maintains the safety of people and property from bushfire.	Complies – No buildings are proposed as part of the subdivision. Normal firebreaks would apply however, further bushfire assessment will be required should buildings/structures be proposed as part of the building development assessment process.
PO20 Development is not exposed to risk from flood events by responding to flood potential and maintains personal safety at all times	Complies – A portion of the existing lot is affected by the flood hazard overlay. There is sufficient land available outside of the nominated hazard areas for development.
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.	Refer above.
PO22 to PO23	Not applicable.
SERVICES AND WORKS CODE	
PO1 to PO4	Not applicable.
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.	Condition - Access to both lots to be conditioned in accordance with rural access standard drawing.
PO6 to PO14	Not applicable.
PO15 Development directly, indirectly and cumulatively avoids any significant increase in water flow, velocity or flood level, and does not increase the	Complies – A portion of the existing lot is affected by the flood hazard overlay. There is sufficient land available outside of the nominated hazard areas for development.

Approved by Delegated Authority:



Date: 3 November 2020

potential for flood damage either on site or other properties.	
PO16 to PO18	Not applicable.

Local Categorising Instrument - Variation Approval

Not applicable.

Local Categorising Instrument - Temporary Local Planning Instrument

Not applicable.

Other Relevant Matters

Not applicable.

Locality Plan

Approved by Delegated Authority:

Date: 3 November 2020



Figure 1 - Aerial Image (Source: Qld Globe)

Aerial Plan

Approved by Delegated Authority:



Date: 3 November 2020

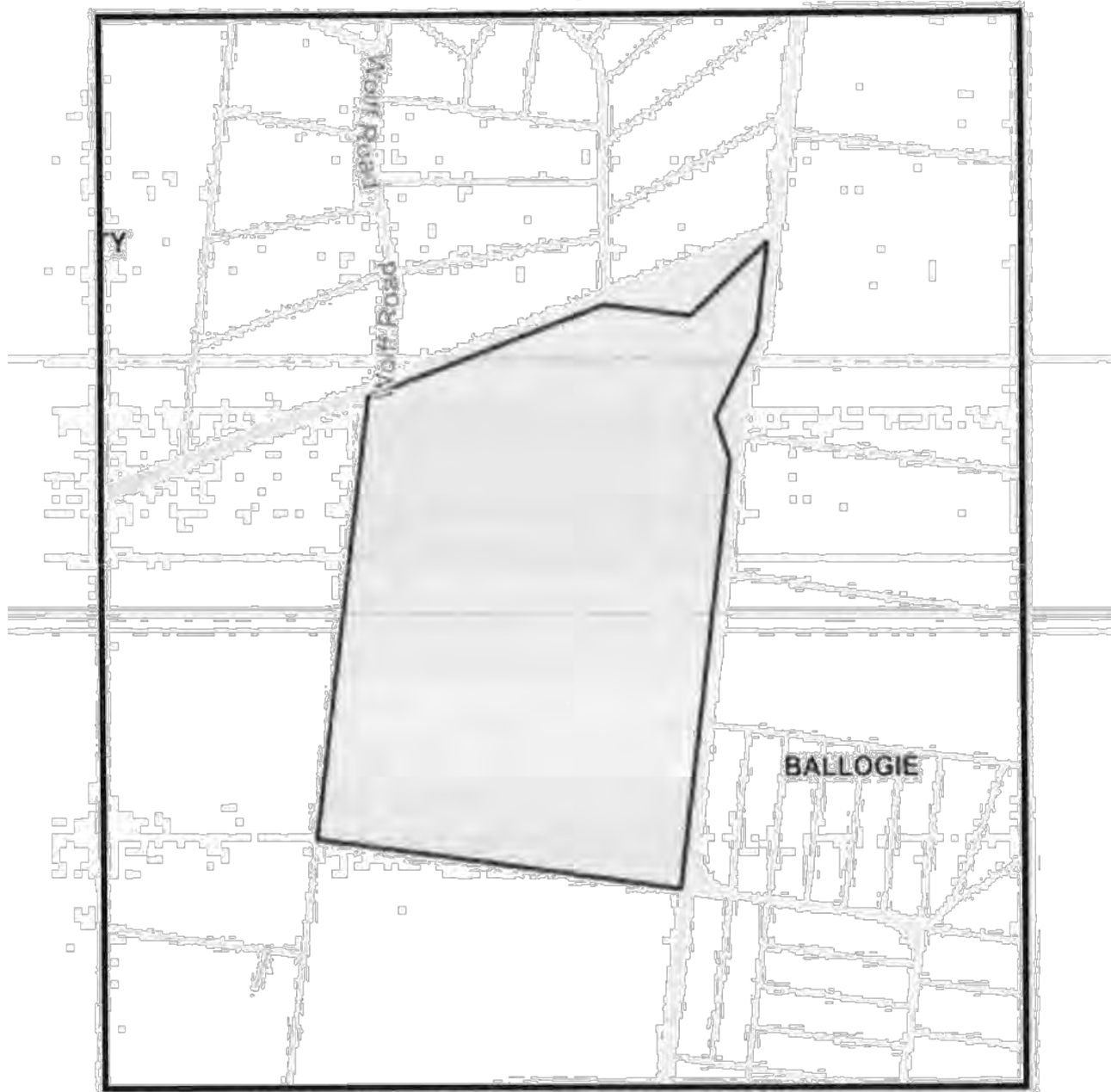


Figure 2 - Locality Plan (Source: IntraMaps)

CONSULTATION:

Referral Agencies

Nil.

Other Referrals

INTERNAL SPECIALIST	REFERRAL	REFERRAL / RESPONSE

Approved by Delegated Authority: 

Date: 3 November 2020

Development Engineer	Did not provide conditions.
Infrastructure Charges Unit	<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 Transport network catchment map and Parks and Land for Community Facilities Network, and is therefore subject to the relevant adopted charge.</p> <p>The adopted charge for Reconfiguring a lot for non-residential development, is the adopted charge per allotment as stated in Table 2.3 of the South Burnett Regional Council Charges Resolution (No. 3) 2019.</p> <p>The current charge for this proposed rural subdivision development is \$4,419.00.</p> <p>Refer to the Infrastructure Charges Notice attached as Attachment A.</p>

Public Notification

N/A

CONCLUSION:

The proposed development has been assessed with regard to the applicable assessment benchmarks as identified within the report. The proposed development generally complies with the benchmarks or can be conditioned to comply. Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance.

RECOMMENDATION:

It is recommended that the development application for Reconfiguring a lot (1 lot into 2 lots) at 816 Covertly Road, Covertly (and described as Lot 37 on BO44) be approved subject to reasonable and relevant conditions pursuant to Section 60 of the *Planning Act 2016*.

Approved by Delegated Authority:



Date: 3 November 2020

ATTACHMENTS

Nil

Approved by Delegated Authority:



Date: 3 November 2020

ATTACHMENT A – INFRASTRUCTURE CHARGES NOTICE

INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT: Jafar Behzadpour
 C/- O'Reilly Nunn Favier - ONF Surveyors
 PO Box 896
 KINGAROY QLD 4610

APPLICATION: Reconfiguring of a lot - 1 lot into 2 - Rural

DATE: 3 November 2020

FILE REFERENCE: RAL20/0014

AMOUNT OF THE LEVIED CHARGE: \$4,419.00 Total

(Details of how these charges were calculated are shown overleaf)

\$0.00	Water Supply Network
\$0.00	Sewerage Network
\$2,410.00	Transport Network
\$2,009.00	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 Notice attached to this notice for more information on how the increase is worked out.

LAND TO WHICH CHARGE APPLIES: Lot 37 BO44

SITE ADDRESS: 816 Covert Road, Ballogie

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: 3 November 2020

DETAILS OF CALCULATION

Water Supply

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

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	Lot	\$2,410.00	Table 2.3	\$4,820.00

Discounts*

Item 0.0

Page 16

Approved by Delegated Authority: 

Date: 3 November 2020

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Reconfiguring a Lot (Residential)	1	Lot	\$2,410.00	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
Reconfiguring a Lot (Residential)	2	Lot	\$2,009.00	Table 2.3	\$4,018.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Reconfiguring a Lot (Residential)	1	Lot	\$2,009.00	Table 2.3	\$2,009.00

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

Approved by Delegated Authority: 

Date: 3 November 2020

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Storm water	Total
Reconfiguring a Lot (Residential)	\$0.00	\$0.00	\$2,410.00	\$2,009.00	\$0.00	\$4,419.00
Total	\$0.00	\$0.00	\$2,410.00	\$2,009.00	\$0.00	\$4,419.00

** In accordance with Section 3.3 of the Charges Resolution, the discount may not exceed the adopted charge. Any surplus discounts will not be refunded, except at South Burnett Regional Council's discretion.*

Approved by Delegated Authority:



Date: 3 November 2020

INFORMATION NOTICE

Authority and Reasons for Charge	This Infrastructure Charges Notice has been given in accordance with section 119 of the <i>Planning Act 2016</i> to support the Local government's long-term infrastructure planning and financial sustainability.
Appeals	Pursuant to section 229 and Schedule 1 of the <i>Planning Act 2016</i> a person may appeal an Infrastructure Charges Notice. Attached is an extract from the <i>Planning Act 2016</i> that details your appeal rights.
Automatic Increase Provision of charge rate (\$)	<p>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.</p> <p>However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Authority could have levied for the development at the time the charge is paid.</p>
GST	The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the <i>Planning Act 2016</i> are GST exempt.
Making a Payment	<p>This Infrastructure Charges Notice cannot be used to pay your infrastructure charges.</p> <p>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.</p> <p>An Itemised Breakdown may be requested by emailing info@southburnett.qld.gov.au</p> <p>Payment can be made at any of the following South Burnett Regional Council Offices:</p> <ul style="list-style-type: none"> • 69 Hart Street, Blackbutt, 4314;

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: 3 November 2020

- 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: 3 November 2020

ATTACHMENT B – 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	Reconfiguring a lot (1 lot into 2 lots)
Level of Assessment	Code
Application No	RAL20/0014
Name of Applicant	J Behzadpour C/- ONF Surveyors
Street Address:	816 Coverty Road, Ballogie
RP Description	Lot 37 on BO44

On 3 November 2020 the above development was:

Approved in full, with conditions.

1. Reasons for the decision

- The proposal maintains in excess of the 100ha minimum lot size for rural zoned lots;
- Rural activities can continue to function as anticipated for the site;
- The proposal does not introduce negative impacts upon adjoining land uses;
- The utility of the lots are maintained.

2. Assessment benchmarks

- South Burnett Regional Council Planning Scheme 2017 v1.3;
 - Rural zone code
 - Reconfiguring a lot code
 - Services and works code;

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

7 October 2020

0.0 P&LM - 2726922 - MATERIAL CHANGE OF USE - DUAL OCCUPANCY AT 80 BURNETT STREET, NANANGO - LOT 221 N234 - MCU20/0015

MANAGER	[Signature]	14/10/2020
Authoriser	[Signature]	15/10/2020
CEO	[Signature]	15-10-2020

File Number: MCU20/0015
Author: Manager Planning and Land Management
Authoriser: Chief Executive Officer

PRECIS:

Material change of use application for a Dual Occupancy at 80 Burnett Street, Nanango - Lot 221 N231 - Applicant: Josh Reid - MCU20/0015

SUMMARY

- Application for a development permit for a material change of use to construct a dual occupancy (second dwelling) on site.
- The subject site is in the Low Density Residential Zone and a dual occupancy is subject to code assessment.
- The proposal has been assessed against the relevant requirements of the Low Density Residential Zone code and the Services and Works code of the SBRC Planning Scheme;
- The proposal meets the relevant requirements of the zone codes;
- The proposal is consistent with the surrounding development and sited to mitigate the potential flood hazard over the site;
- The proposal will retain the existing streetscape and not result in significant impacts of the residential amenity of the locality;
- Proposal recommended for approval subject to reasonable and relevant conditions.

OFFICER'S RECOMMENDATION

That Council in accordance with section 60 of the *Planning Act 2016* approve the development application for a Material Change of Use for Dual Occupancy at 80 Burnett Street, Nanango described as Lot 221 on N231, subject to reasonable and relevant conditions:

General

GEN1. The development must be completed and maintained generally in accordance with the approved plans and documents and any amendments arising through conditions to this development approval:

Drawing Title	Prepared by	Reference no.	Rev	Date
Aerial Dual Dwellings	-	245.170	-	-
South Elevation	-	245.170	-	-
West Elevation	-	245.170	-	-
Floor Plan	-	245.170	-	-

GEN2. The development herein approved may not start until the following development permits have been issued and complied with as required:

- Development Permit for Building Works; and
- Permit for Plumbing and Drainage Work.

GEN3. Any new earthworks or structures are not to concentrate or impede the natural flow of water across property boundaries and onto any other lots.

GEN4. Dust prevention measures must be undertaken to ensure that dust does not cause a nuisance to occupiers of adjacent properties.

Approved by Delegated Authority

7 October 2020

Approved Use

GEN5. The approved development is a Material Change of Use for a Dual Occupancy, as shown on the approved plans and does not imply approval for other similar uses eg. Short-term accommodation.

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 commencement of the use unless stated otherwise.

ENG2. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's standards, relevant design guides, and Australian Standards.

ENG3. Be responsible for the full cost of any alterations 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.

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

ENG4. 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.

ENG5. 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

ENG6. Provide overland flow paths that do not alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.

ENG7. Design and construct all internal stormwater drainage works to comply with the relevant Section/s of AS/NZS 3500.3.2.

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

ENG9. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

WATER SUPPLY

ENG10. The lot shall be connected to Council's reticulated water supply network with a single water meter, with each individual Class 1 structure (house or unit) having its own sub water meter if desired.

SEWERAGE

ENG11. Connect the development to Council's existing reticulated sewerage system. Note that only a single connection point will be permitted to Council's sewer network, which is to service all current and proposed units/houses on the site.

ENG12. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.

PARKING AND ACCESS - GENERAL

ENG13. Design all access driveways and car parking spaces in accordance with Australian Standard 2890.1 - Parking Facilities - Off Street Car Parking.

ENG14. Design and construct all sealed areas with concrete, asphalt or a two-coat bitumen seal.

ENG15. Provide a minimum of one (1) carpark for each dwelling, plus one (1) visitor car parking spaces.

Approved by Delegated Authority:



7 October 2020

VEHICLE ACCESS

ENG16. Construct a single crossover between the property boundary and the edge of the Appin Street East bitumen seal, having a minimum width of 4.0 metres, generally in accordance with Council's Standard Drawing No. SBRC 00048.

ENG17. Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure (e.g. power pole, telecommunications pit), road infrastructure (e.g. street sign, street tree, etc).

ROADWORKS AND PEDESTRIAN SAFETY

ENG18. Install signage for all works on or near roadways in accordance with the Manual for Uniform Traffic Control Devices – Part 3, Works on Roads.

ENG19. Submit to Council, an application for any footpath, road or lane closures, and ensure all conditions of that approval are complied with during construction of the works.

ENG20. Maintain safe pedestrian access along Council's footpaths at all times.

ELECTRICITY AND TELECOMMUNICATION

ENG21. Connect the development to electricity and telecommunication services.

EROSION AND SEDIMENT CONTROL - GENERAL

ENG22. 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.

ENG23. Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

ADVICE**Material Change of Use – Currency Period**

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.

Heritage

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. A search can be arranged by visiting <https://www.datsip.qld.gov.au> and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

Appeal Rights

ADV3. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

Approved by Delegated Authority: 

7 October 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 identified.

POLICY/LOCAL LAW/DELEGATION IMPLICATIONS

No implication can be identified.

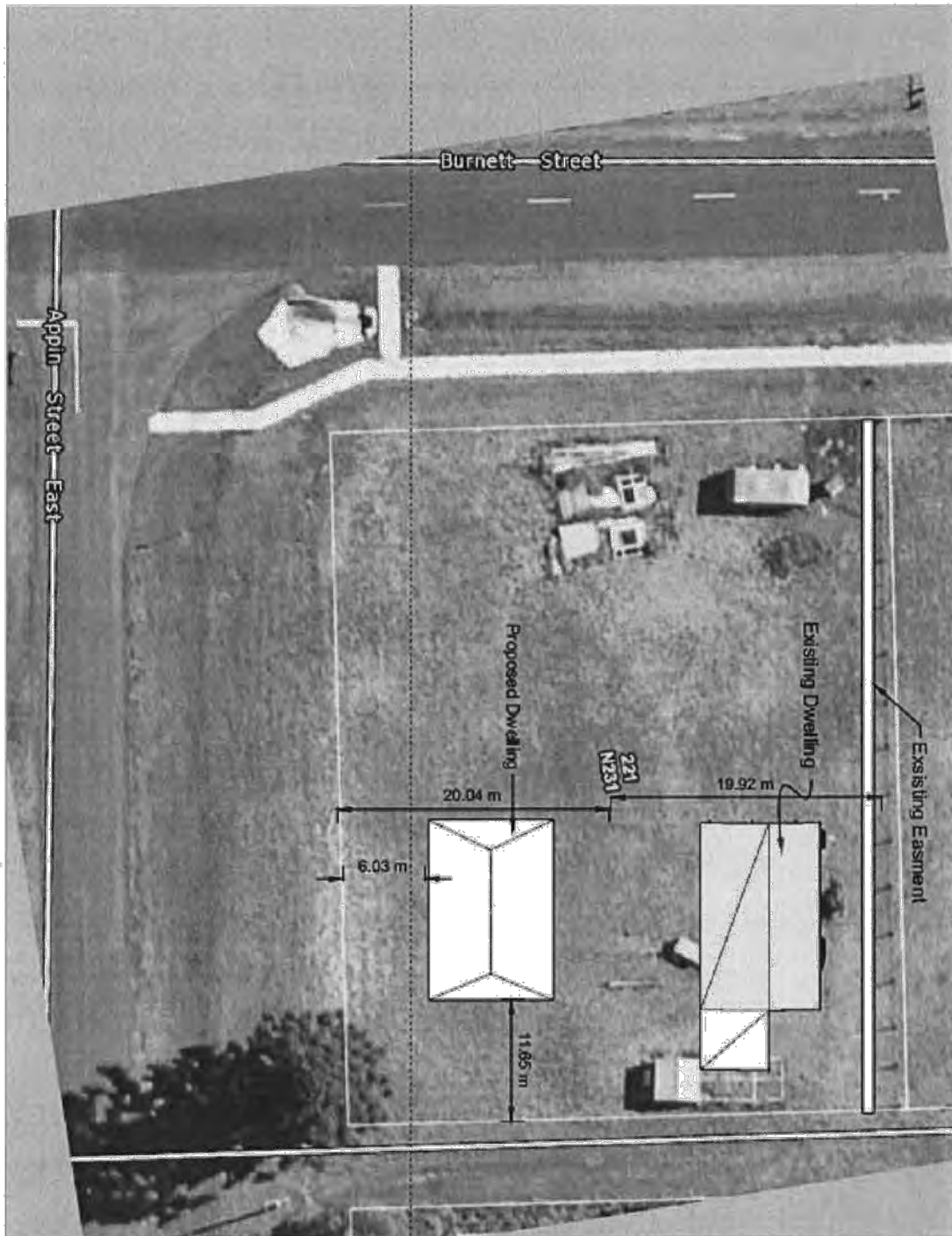
ASSET MANAGEMENT IMPLICATIONS

No implication can be identified.

Approved by Delegated Authority:

7 October 2020

PROPOSAL PLAN



A.25

Aerial Dual Dwellings

PROJECT
Dual Dwelling

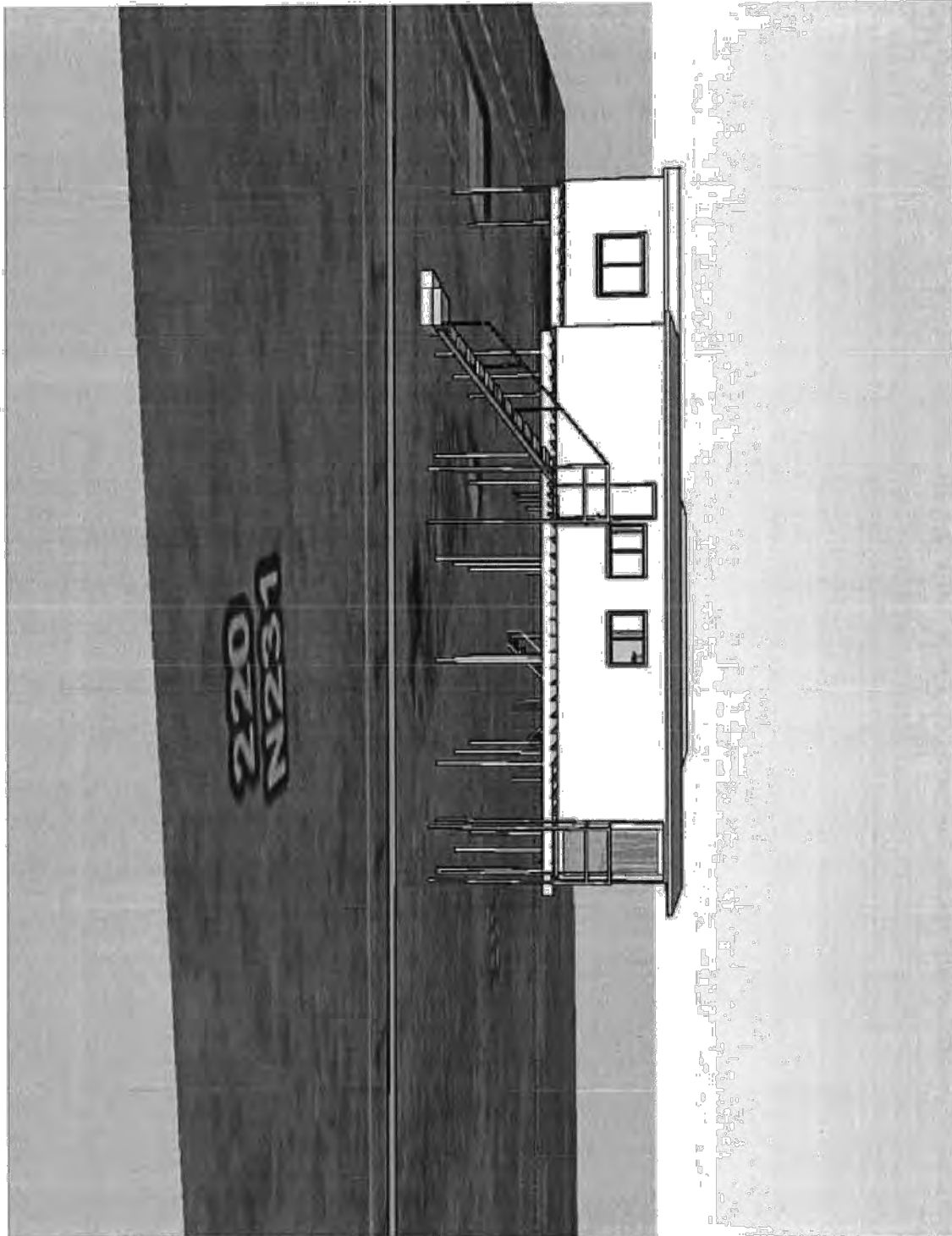
CLIENT
Josh Reid
80 burnett street nanango.qld

PROJECT NO.
245.170

Approved by Delegated Authority:



7 October 2020



A.27

**Dual Dwelling
South Elevation**

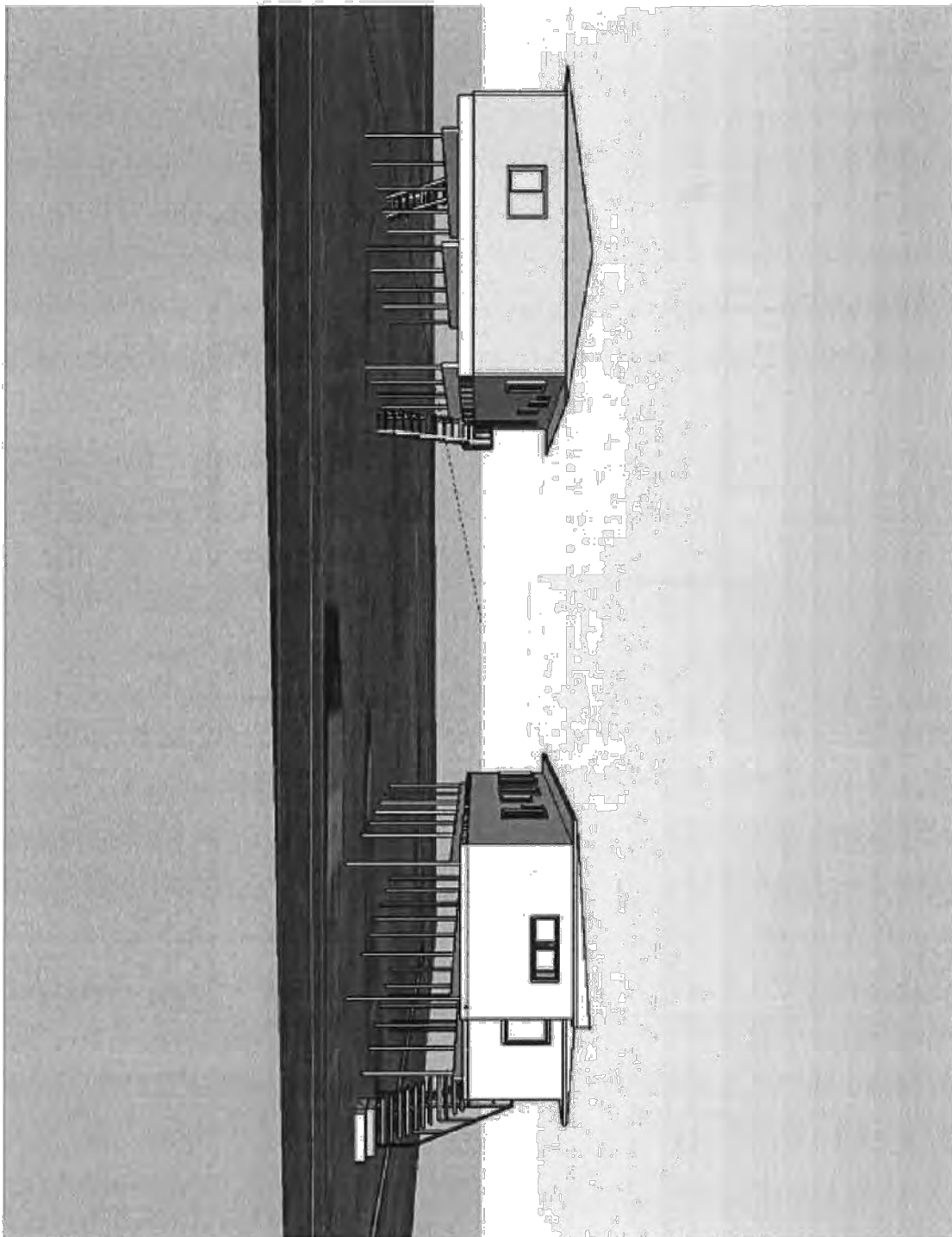
PROJECT
Dual Dwelling
PROJECT NO.
245.170

CLIENT
Josh Reid
80 burnett street nanango qld

Approved by Delegated Authority:



7 October 2020



A.29

**Dual Dwelling
West Elevation**

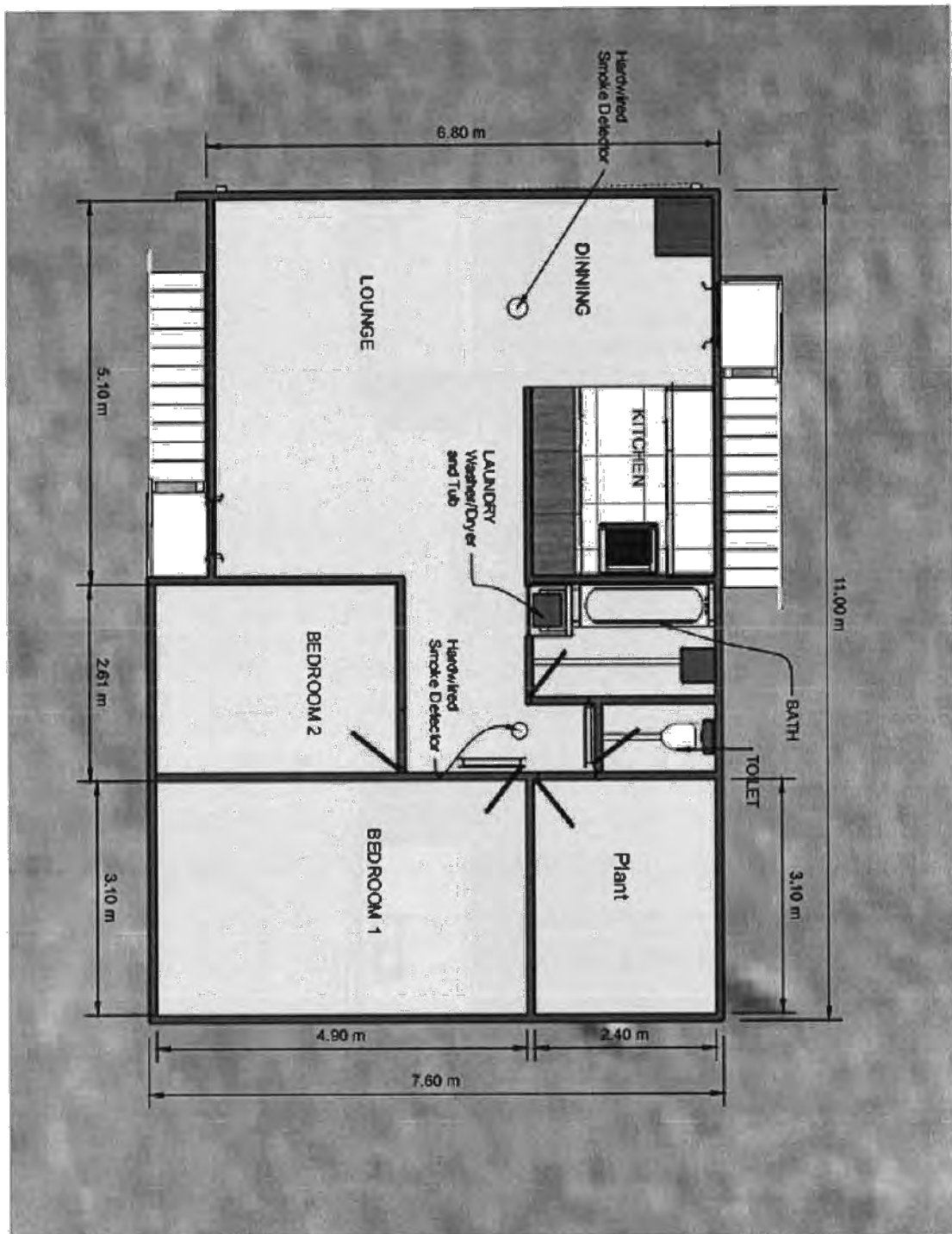
PROJECT
Dual Dwelling

PROJECT NO.
245.170

CLIENT
Josh Reid
80 burnett street nanango qld

Approved by Delegated Authority:

7 October 2020



A.03

Floor Plan

PROJECT
Dual Dwelling

CLIENT
Josh Reid
80 burnett street nanango qld

PROJECT NO.
245.170

Approved by Delegated Authority: 

7 October 2020

REPORT

The applicant seeks approval for a Material Change of use - Development permit for a Dual Occupancy.

APPLICATION SUMMARY	
Applicant:	Josh Reid
Proposal:	Dual Occupancy
Properly Made Date:	09/09/2020
Street Address:	80 Burnett Street, Nanango
RP Description:	221 N 231
Assessment Type:	Code assessable
State Referral Agencies:	N/A
Referred Internal Specialists:	Development Engineer

The following table describes the key development parameters for the proposal:

PROPOSED DEVELOPMENT	
Proposed Development:	Dual Occupancy
Level of Assessment:	Code
Area to be used:	N/A
Impervious Area:	N/A
Site Cover:	Total floor area of the proposed dual occupancy (second dwelling) is 75sqm. The site cover is less than 0.2%.
Car Parking Spaces:	Sufficient area on site available for car parking
Service Vehicle Provision:	N/A
Decision Making Period Ends:	11 November 2020

SITE DETAILS:

SITE AND LOCALITY DESCRIPTION		
Land Area:	2023sqm	
Existing Use of Land:	Dwelling house	
Road Frontage:	Corner of Burnett Street and Appin Street West	
Road/s	Road Hierarchy	
Burnett Street	Major urban collector	
Appin Street East	Street	
Easements	Nil	
Significant Site Features:	Nil	
Topography:	Falls gently in a westerly direction	
Surrounding Land Uses:	Land Use	Zone/Precinct
North	Dwellings	Low Density Residential
South	Dwellings	Low Density Residential
East	Dwellings	Low Density Residential
West	Nanango State School	Community facilities & CF1 Education
Services:	Electricity and Telecommunications	

Approved by Delegated Authority

7 October 2020

Background / Site History

APPLICATION NO.	DECISION AND DATE
	N/A

CONSULTATION:

Referral Agencies

N/A.

Other Referrals

INTERNAL REFERRAL SPECIALIST	REFERRAL / RESPONSE
Development Engineer	Council's Development Engineer provided comments in relation to Infrastructure Charges and conditions.
Infrastructure Charges Resolution	<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> <p>The adopted charge for material change of use for residential development, is the adopted charge as stated in Table 2.1 of the South Burnett Regional Council Charges Resolution (No. 3) 2019.</p> <p>Refer to the Infrastructure Charges Notice attached as Attachment B.</p>

ASSESSMENT:

Framework for Assessment

Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following Categorising Instruments may contain Assessment Benchmarks applicable to development applications:

- The *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any Temporary Local Planning Instrument
- any Variation Approval

Of these, the planning instruments relevant to this application are discussed in this report.

Assessment Benchmarks Pertaining to the Planning Regulation 2017

Approved by Delegated Authority:



7 October 2020

The following Assessment Benchmarks from the *Planning Regulation 2017* are applicable to this application:

PLANNING REGULATION 2017 DETAILS	
Assessment Benchmarks:	Nil
WBB Regional Plan Designation:	N/A

Assessment Benchmarks Pertaining to the Planning Scheme

The applicable planning scheme for the application is South Burnett Regional Council Version 1.3. The following sections relate to the provisions of the Planning Scheme.

Planning Scheme:	South Burnett Regional Council Planning Scheme Version 1.3
Zone:	Low Density Residential
Precinct:	N/A
Assessment Benchmarks:	Low Density Residential Zone

Assessment Benchmarks – Planning Scheme Codes

The application has been assessed against each of the applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below:

South Burnett Regional Council Planning Scheme

The applicable planning scheme for the application is South Burnett Regional Council Version 1.3.

Zones

Low Density Residential Zone

Overlays

OM3 – Flood Hazard overlay

Other Codes

Services and Works Code

The development was assessed against all of the assessment benchmarks listed above and the pertinent issues arising out of assessment are discussed below:

PERFORMANCE OUTCOME	ASSESSMENT BENCHMARK	
Section 2 General		
PO 2 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.	AO2.1 Site cover does not exceed 50% except for the Bunya Mountains Precinct where the maximum site cover is 10%. and AO2.2 Buildings are a maximum of 2 storeys above ground level. and AO2.3 Pedestrian entrances to buildings are clearly visible from the street. and	Comment: Proposal has been designed by taking the site's physical characteristic into account. Buildings have been sited on the highest part of the site to avoid the low lying areas that are potentially subject to flooding. Buildings are set back from the street frontages and the other buildings on site to retain the streetscape and provide

Approved by Delegated Authority:



7 October 2020

	<p>AO2.4 The maximum length of any façade without articulation or change of materials is 10m. and AO2.5 Buildings are set back at least: (a) 6m from the primary street frontage; (b) 4.5m from any secondary street frontage; (c) 1.5m from side boundaries; and (d) 6m from rear boundaries. and AO2.6 A 1.8m high screen fence is provided to the side and rear boundaries. and AO2.7 Plant and service equipment (air conditioning, exhaust fans, lift motor rooms, refuse bins, telecommunication devices, etc) are integrated into the building. and AO2.8 Garages are at or behind the ground level front building setback. and 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. and 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. and AO2.11 Front fences are less than 1.2 metres high. and AO2.12 Where a dual occupancy in the Low Density Residential zone, each unit has: (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.</p>	<p>sufficient private open space on site: A single site entry from Appin Street is acceptable due to the potential for flooding along the Burnett Street frontage. The existing table drain along Burnett Street further restricts the practicable access from this road frontage.</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: Building designs take account of the slopes on site and flood hazard.</p>

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7 October 2020

<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>	<p>Comment: Proposal can be commented to reticulated services. Stormwater discharge to Burnett Street can be achieved.</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: Access to Appin Street can be achieved without compromising the safety and efficiency of the road network</p>

OVERLAYS		
Performance Outcome	Assessment Benchmark	
Flood hazard overlay		
<p>PO22 Development is not exposed to risk from flood events by responding to flood potential and maintains personal safety at all times.</p>	<p>AO22.3 Development is sited above the 1%AEP flood event where known, or the Highest known flood event, as follows: (a) Habitable floor levels - 500mm; (b) Non-habitable floor levels - 300mm; (c) All other development - 0mm. and AO22.4 Building work below the nominated flood level allows for the flow through of flood water at ground level: (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>	<p>Comment: The building construction will use high set construction with the floor level 2.41m above the natural ground level and allow for the flow through of floodwater at ground level.</p>

SERVICES AND WORKS CODE	
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>Council's Development Engineer provided conditions in relation to infrastructure.</p>
Section 2 Infrastructure	
<p>PO5 Development is provided with infrastructure which:</p>	<p>The proposal has access to an existing sealed road.</p>

Approved by Delegated Authority:



7 October 2020

<p>(a) conforms with industry standards for quality;</p> <p>(b) is reliable and service failures are minimised; and</p> <p>(c) is functional and readily augmented.</p>	<p>Council's Development Engineer provided conditions in relation to infrastructure.</p>
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Locality Plan



Figure 1 - Aerial Image (Source: Qld Globe)

Aerial Plan

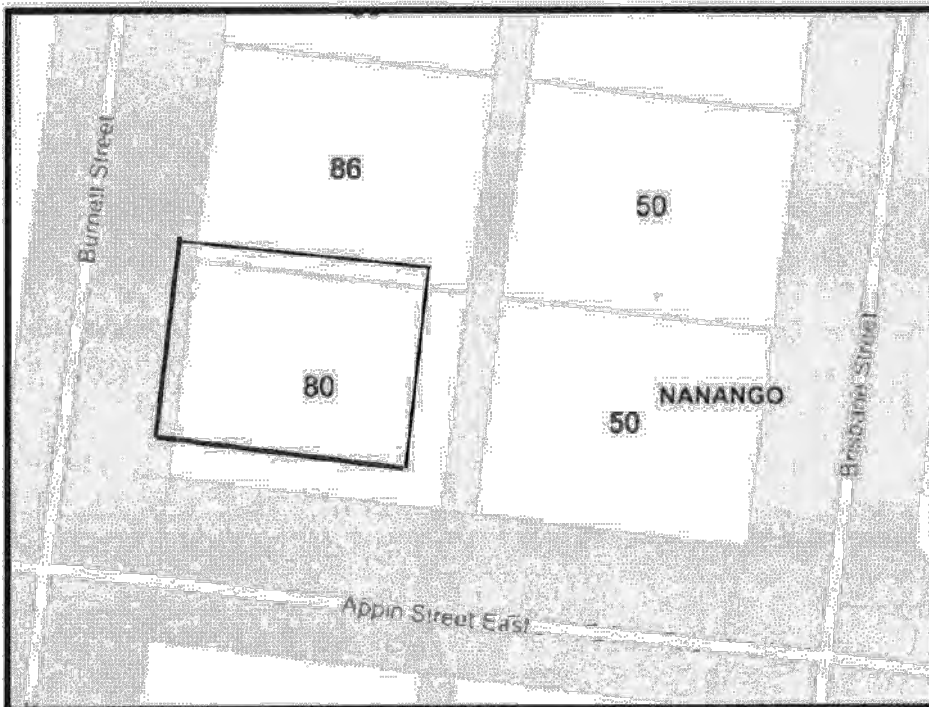


Figure 2 - Locality Plan (Source: IntraMaps)

Approved by Delegated Authority:



7 October 2020

Local Categorising Instrument - Variation Approval

Not applicable.

Local Categorising Instrument - Temporary Local Planning Instrument

Not applicable.

Other Relevant Matters

Not applicable.

CONCLUSION:

The proposed development has been assessed with regards to the applicable assessment benchmarks as identified within the report and the attached Statement of Reasons (refer to Attachment A). Where the proposed development does not comply with the benchmarks have been conditioned to comply. Where the applicant has not provided sufficient information, conditions have been imposed to ensure compliance.

Approved by Delegated Authority:



7 October 2020

ATTACHMENTS

NII

Approved by Delegated Authority: 

7 October 2020

INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT: Josh Reid

APPLICATION: MCU20/0015

DATE: 7/10/2020

AMOUNT OF THE LEVIED CHARGE: \$20,085.00 Total

(Details of how these charges

were calculated are shown overleaf)

\$9,842.00	Water Supply Network
\$5,423.00	Sewerage Network
\$2,410.00	Transport Network
\$2,009.00	Parks and Land for Community Facilities Network
\$401.00	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 221 N231

SITE ADDRESS: 80 Burnett St, Nanango

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: 

7 October 2020

DETAILS OF CALCULATION

Water Supply

Adopted Charges

Development Description	Number of Units	of Units Measure	of Charge Rate	Reference	Amount
Residential Use (Dual Occupancy)	2		dwelling	\$9,842.00	CR Table 2.1 \$19,684.00

Discounts*

Description	Number of Units	of Units Measure	of Discount Rate	Reference	Amount
Existing lawful use (dwelling)	1		dwelling	\$9,842.00	CR Table 2.1 \$9,842.00

Sewerage

Adopted Charges

Development Description	Number of Units	of Units Measure	of Charge Rate	Reference	Amount
Residential Use (Dual Occupancy)	2		dwelling	\$5,423.00	CR Table 2.1 10,846.00

Discounts*

Description	Number of Units	of Units Measure	of Discount Rate	Reference	Amount
Existing lawful use (dwelling)	1		dwelling	\$5,423.00	CR Table 2.1 \$5,423.00

Transport

Adopted Charges

Development Description	Number of Units	of Units Measure	of Charge Rate	Reference	Amount
Residential Use (Dual Occupancy)	2		dwelling	\$2,410.00	CR Table 2.1 \$4,820.00

Discounts*

Description	Number of Units	of Units Measure	of Discount Rate	Reference	Amount
Existing lawful use (dwelling)	1		dwelling	\$2,410.00	CR Table 2.1 \$2,410.00

Approved by Delegated Authority



7 October 2020

Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential Use (Dual Occupancy)	2	dwelling	\$2,009.00	CR Table 2.1	\$4,018.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lawful use (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 Use (Dual Occupancy)	2	dwelling	\$401.00	CR Table 2.1	\$802.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lawful use (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 Use (Dual Occupancy)	\$9,842.00	\$5,423.00	\$2,410.00	\$2,009.00	\$401.00	\$20,085.00
Total	\$9,842.00	\$5,423.00	\$2,410.00	\$2,009.00	\$401.00	\$20,085.00

* In accordance with Section 3.3 of the Charges Resolution, the discount may not exceed the adopted charge. Any surplus discounts will not be refunded, except at South Burnett Regional Council's discretion.

Approved by Delegated Authority:



7 October 2020

INFORMATION NOTICE

Authority and Reasons for Charge	This Infrastructure Charges Notice has been given in accordance with section 119 of the <i>Planning Act 2016</i> to support the Local government's long-term infrastructure planning and financial sustainability.
Appeals	Pursuant to section 229 and Schedule 1 of the <i>Planning Act 2016</i> a person may appeal an Infrastructure Charges Notice. Attached is an extract from the <i>Planning Act 2016</i> that details your appeal rights.
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 average ¹ . 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 Authority 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 <i>Planning Act 2016</i> 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. 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: <ul style="list-style-type: none"> • 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

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.

NOTICE ABOUT DECISION – STATEMENT OF REASONS

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

SITE DETAILS	
Street Address:	80 Burnett Street, Kingaroy
RP Description	Lot 221 N231
Site Area	2023sqm

PROPOSED DEVELOPMENT	
Name of Applicant	Josh Reid
Type of Application	Material Change of Use
Proposed Development	Dual Occupancy
Level of Assessment	Code
Area of Development	N/A
Impervious Area	N/A
Site Cover	Total floor area of the dual occupancy is 75sqm
Car Parking Spaces	Provided
Service Vehicle Provision	N/A
Submissions Received	N/A
Decision	Approved subject to conditions
Decision Date	7 October 2020

1. Assessment Benchmarks

The proposed development was assessed against the following assessment benchmarks;

South Burnett Regional Council Planning Scheme 2017

- Low Density Residential zone code;
- Flood Hazard Overlays; and
- Services and Works Code.

3. Compliance with Benchmarks

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: 15/09/2020

0.0 RAL20/0010 RECONFIGURATION OF A LOT - BOUNDARY REALIGNMENT (2 LOTS INTO 2 LOTS) LOT 440 ON FY49 AND LOT 11 ON SP207420, 392 & 488 TINGOORA CHELMSFORD ROAD, TINGOORA

File Number: RAL20/0010
Author: Senior Planner
Authoriser: Chief Executive Officer

	SIGNATURE	DATE
MANAGER		15/9/2020
GM		16/9/2020
CEO		17-09-2020

PRECIS

Reconfiguration of a Lot - Boundary Realignment (2 lots into 2 lots) Lot 440 on FY49 and Lot 11 on SP207420, 392 & 488Tingoora Chelmsford Road, Tingoora

SUMMARY

- Application for Reconfiguring a lot – development permit (boundary realignment);
- Subject site is in the Rural zone under the South Burnett Regional Council Planning Scheme v1.3;
- The proposal is code assessable against the following benchmarks:
 - Rural zone code
 - Reconfiguring a lot code
 - Services and works code
- The proposed boundary realignment will consolidate 151ha of grazing land within proposed Lot 1 and the existing broadacre cropping area for duboisia in proposed Lot 2 (approximately 71.5ha);
- Each property contains an existing dwelling and improvements utilised for farming operations within their respective lots;
- No new accesses are proposed;
- The subjects lots contain Class A agricultural land with a small cross section of Class B agricultural land through the middle of existing Lot 440 (proposed lot 2);
- The proposed new boundary aligns with the southern portion of Class A agricultural land which contains the duboisia plantation;
- No referral to SARA was triggered;
- Despite one of the lots being below the 100ha minimum rural lot size the boundary reconfiguration can sufficiently accommodate the current broadacre and grazing practices;
- The application has been assessed against the overall outcomes and performance outcomes of the relevant codes and conditioned to comply (refer to Attachment A – Statement of Reasons);
- Application recommended for approval subject to reasonable and relevant conditions

OFFICER'S RECOMMENDATION

That Council approve the Development Application for a Reconfiguring a lot – Boundary Realignment (2 lots into 2 lots) located at 392 & 488 Tingoora Chelmsford Road Greenview described as Lot 440 on FY49 and Lot 11 on SP207420, subject to the following conditions.

GENERAL

GEN1. The development must be completed and maintained generally in accordance with the approved plans and documents and any amendments arising through conditions to this development approval:

Drawing Title	Prepared by	Reference no.	Revision	Date
Boundary Realignment	ONF Surveyors.	8810K P/1	A	28/7/20

GEN2. All works, including the repair or relation of services (Telstra, lighting) is to be completed at no cost to Council.

Approved by Delegated Authority: 

Date: 15/09/2020

APPROVED USE

GEN3. The approved development is a Reconfiguring a lot (boundary realignment), as shown on the approved plans.

COMPLIANCE

GEN4. 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.

GEN5. Prior to sealing the Survey Plan 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

RAL1. Prior to the submission of the Survey Plan to Council, the applicant is to reinstate survey marks and install new survey marks in their correct position in accordance with the Survey Plan, and the work is to be certified in writing by a Licensed Surveyor.

NATURAL RESOURCES VALUATION FEES

RAL2. Payment of *Department of Natural Resources and Mines* valuation fee that will result from the issue of split valuations prior to Council sealing the Survey Plan. The contribution is currently assessed at \$94.00 (2 x \$47.00); however, the actual amount payable will be based on Council's Register of Regulatory & Cost-Recovery Fees and the rate applicable at the time of payment.

PROPERTY BOUNDARIES

RAL3. All existing on-site structures, dams and sewerage treatment facilities including transpiration and irrigation areas are to be relocated so as not to cross the proposed property boundary.

ADVICE

ADV1. Section 85 (1)(b)(i) of the *Planning Act 2016* provides that, if this approval is not acted upon within the period of twelve (12) months the approval will lapse.

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. A search can be arranged by visiting and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

ADV3. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

Approved by Delegated Authority:



Date: 15/09/2020

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 identified.

POLICY/LOCAL LAW/DELEGATION IMPLICATIONS

No implication can be identified.

ASSET MANAGEMENT IMPLICATIONS

No implication can be identified.

Approved by Delegated Authority:  Date: 15/09/2020

LOCALITY PLAN

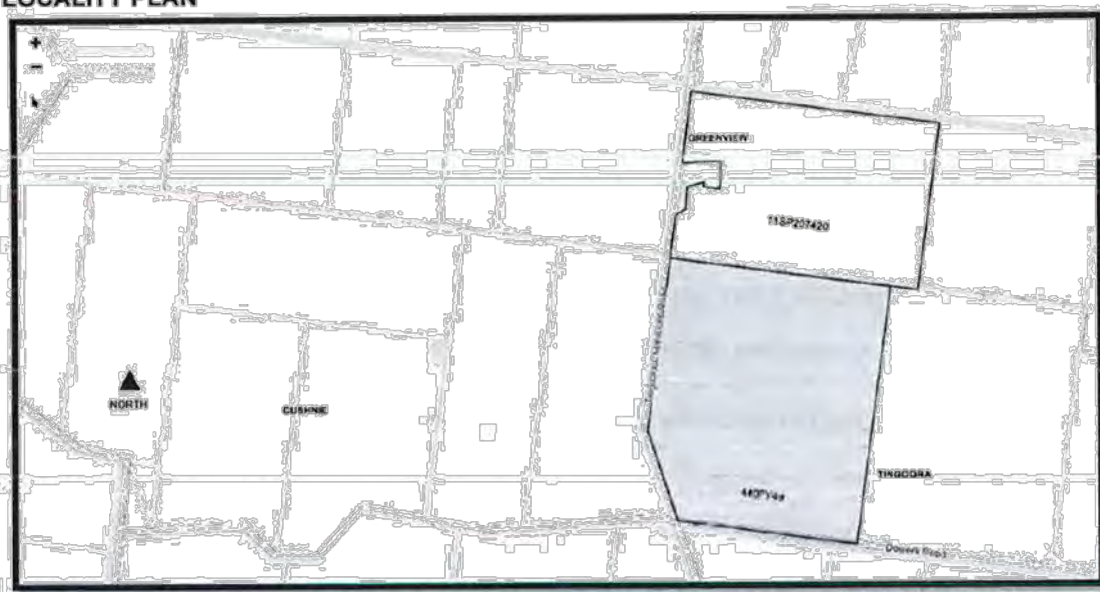


Figure 1 - Locality Plan (Source: IntraMaps)

AERIAL PLAN



Figure 2 - Aerial Image (Source: Qld Globe)

Approved by Delegated Authority:



Date: 15/09/2020

PROPOSAL PLAN

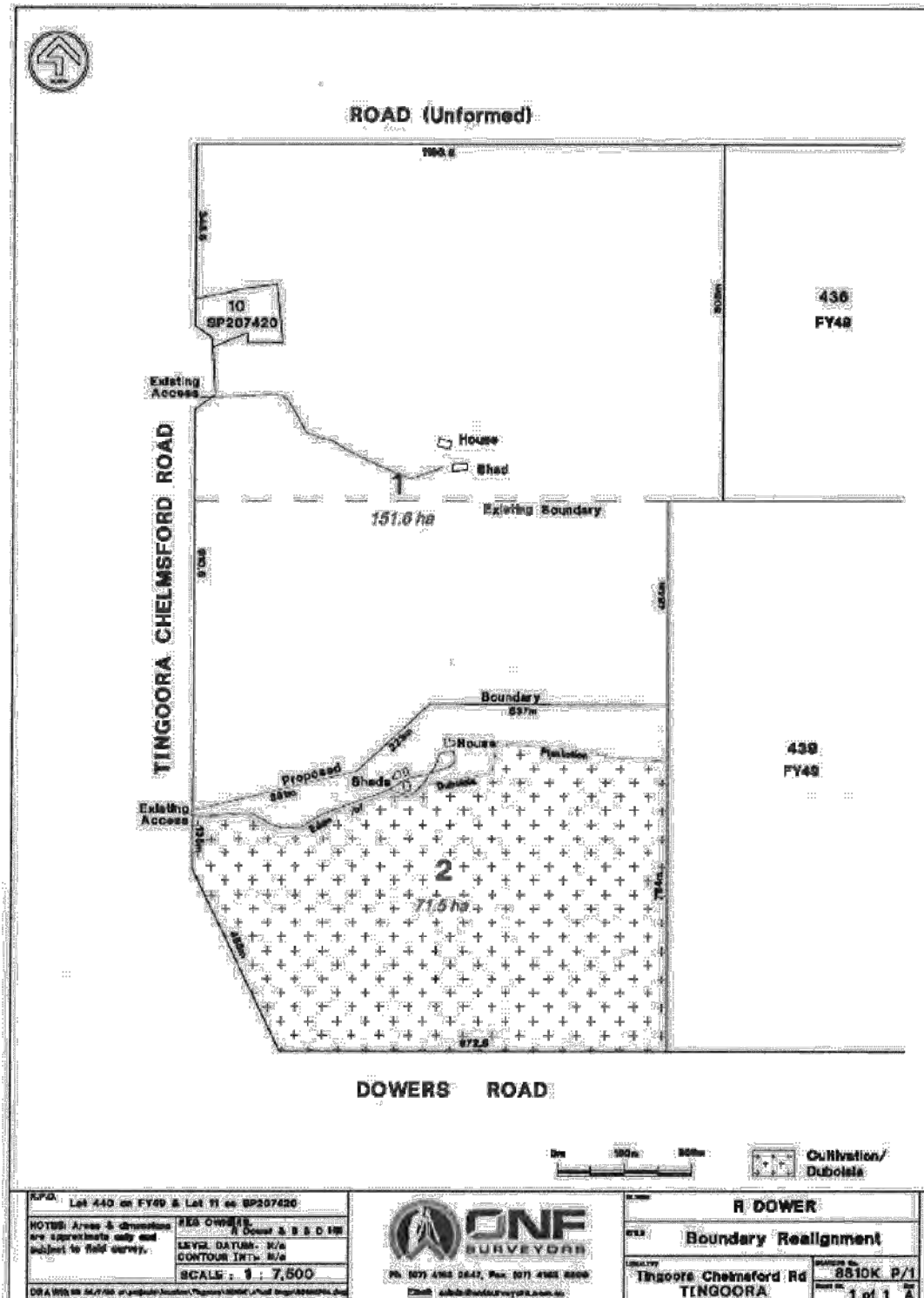


Figure 3 - Source: Applicant

Approved by Delegated Authority: 

Date: 15/09/2020

REPORT

The applicant seeks approval for a Development Permit for Reconfiguring a Lot - Boundary Realignment (2 lots into 2 lots):

APPLICATION SUMMARY	
Applicant:	R Dower
Proposal:	Reconfiguring a lot – development permit (boundary realignment)
Properly Made Date:	3 August 2020
Street Address:	392 Tingoorra Chelmsford Road WOOROOLIN 488 Tingoorra Chelmsford Road GREENVIEW
RP Description:	Lot 440 on FY49 Lot 11 on SP207420
Assessment Type:	Code assessable
Number of Submissions:	N/A
State Referral Agencies:	N/A
Referred Internal Specialists:	Development Engineer

The following table describes the key development parameters for the proposal:

	DEVELOPMENT PARAMETERS
Number of Proposed Lots	2 lots into 2 lots
Size of Proposed Lots	Lot 1 – 151.6ha Lot 2 – 71.5ha
Easements	Nil
Covenants	Nil
Description	<p>The proposed boundary realignment will consolidate 151ha of grazing land within proposed Lot 1 and the existing broadacre cropping area for duboisia in proposed Lot 2 (approximately 71.5ha).</p> <p>Each property contains an existing dwelling and improvements utilised for farming operations within their respective lots. No new accesses are proposed.</p> <p>The subjects lots contain Class A agricultural land with a small cross section of Class B agricultural land through the middle of existing lot 440 (proposed lot 2). The proposed new boundary aligns with the southern portion of the Class A agricultural land which contains the duboisia plantation.</p>

Approved by Delegated Authority: 

Date: 15/09/2020

SITE DETAILS:

SITE AND LOCALITY DESCRIPTION				
Land Area:	Lot 11 – 93.62ha Lot 440 – 129.47ha			
Existing Use of Land:	Grazing (pasture production) and duboisia plantation (broadacre cropping)			
Road Frontage:	Tingoora Chelmsford Road			
Road/s	Road Hierarchy	Road Reserve	Road Width	Material
Tingoora Chelmsford Road	Collector Major	40m	6m	Bitumen highway
Dowers Road	Access Minor	40m	4m	Rural dirt road
Easements	N/A			
Significant Site Features:	Nil			
Topography:	Relatively flat with unmapped watercourses			
Surrounding Land Uses:	Land Use	Zone/Precinct		
North	The surrounding area is predominantly comprised of large rural lots, use for the purposes of primary production. A number of lots contain detached dwellings and associated outbuildings			
South				
East				
West				
Services:	Bitumen sealed road			

BACKGROUND / SITE HISTORY

Property details:	DECISION AND DATE
Plan of Lots 10 and 11 cancelling Lots 6 & 7 on RP841434	Wondai Shire Council Boundary realignment approved Survey plan endorsed 15 th August 2007 2 lots into 2 lots

ASSESSMENT:

FRAMEWORK FOR ASSESSMENT

Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following Categorising Instruments may contain Assessment Benchmarks applicable to development applications:

- The *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any Temporary Local Planning Instrument
- any Variation Approval

Of these, the planning instruments relevant to this application are discussed in this report.

ASSESSMENT BENCHMARKS PERTAINING TO THE PLANNING REGULATION 2017

The following Assessment Benchmarks from the *Planning Regulation 2017* are applicable to this application:

PLANNING REGULATION 2017 DETAILS	
Assessment Benchmarks:	Nil
WBB Regional Plan Designation:	N/A

Approved by Delegated Authority: 

Date: 15/09/2020

ASSESSMENT BENCHMARKS PERTAINING TO THE PLANNING SCHEME

The applicable planning scheme for the application is South Burnett Regional Council Version 1.3. The following sections relate to the provisions of the Planning Scheme.

Planning Scheme:	South Burnett Regional Council Planning Scheme Version 1.3
Strategic Framework Land Use Category:	N/A
Zone:	Rural
Precinct:	N/A
Consistent/Inconsistent Use:	Consistent
Assessment Benchmarks:	Rural zone code Services and works code Reconfiguring a lot code

ASSESSMENT BENCHMARKS – PLANNING SCHEME CODES

The application has been assessed against each of the applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below.

PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME
RURAL ZONE CODE	
PO15 The productive capacity and utility of agricultural land for rural activities is maintained.	Compliant The proposal meets the performance outcome given the productive capacity and utility of both lots are to be maintained for rural activities.
PO28 Development is not exposed to risk from flood events by responding to flood potential and maintains personal safety at all times.	Compliant No new lots are being created within the identified flood hazard mapping area.
RECONFIGURING A LOT	
PO1 The boundary realignment: (a) results in lots that are consistent with the established subdivision pattern of the local area; (b) maintains or improves the utility of the lots; (c) does not create a situation where the use or buildings on the resulting lots become unlawful.	Compliant The proposed reconfiguration supports the current farming practices by separating and consolidating current grazing land from broadacre cropping land. This boundary realignment is considered a consistent use of the rural land resulting in improvements to the utility of the lots.
PO16 The productive capacity and utility of agricultural land for rural activities is maintained.	Compliant The proposal meets the performance outcome given the productive capacity and utility of both lots are to be maintained for rural activities.

Approved by Delegated Authority: 

Date: 15/09/2020

PO20 Development is not exposed to risk from flood events by responding to flood potential and maintains personal safety at all times.	Compliant No new lots are being created within the identified flood hazard mapping area.
SERVICES AND WORKS CODE	
PO15 Development directly or 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.	Compliant The area identified as a flood hazard has been consolidated into proposed lot 1.

LOCAL CATEGORISING INSTRUMENT - VARIATION APPROVAL

N/A

LOCAL CATEGORISING INSTRUMENT - TEMPORARY LOCAL PLANNING INSTRUMENT

N/A

OTHER RELEVANT MATTERS

N/A

CONSULTATION:

REFERRAL AGENCIES

N/A

OTHER REFERRALS

INTERNAL SPECIALIST	REFERRAL / RESPONSE
Development Engineer	No requirements.
Infrastructure Charges Unit	N/A

PUBLIC NOTIFICATION

N/A.

CONCLUSION:

Grounds to support the development:

- The proposal does not introduce any additional land uses which would impair the amenity of the rural zone;
- Primary production can continue to operate as an anticipated land use for a site;
- The proposal does not introduce any impact upon adjoining sensitive land uses;
- The land will continue to be utilised for productive rural activities which is essential to the economic viability of productive agricultural land;
- The proposal supports an alternate productive rural activity that supports regionally significant industry;

Approved by Delegated Authority:



Date: 15/09/2020

- The boundary realignment does not introduce a new dwelling on agricultural land;
- The utility of the lots is maintained.

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

RECOMMENDATION:

It is recommended that the development application for Reconfiguring a lot – development permit (boundary realignment) at 392 Tingoorra Chelmsford Road Wooroolin and 488 Tingoorra Chelmsford Road Greenview (and described as Lot 440 on FY49 and Lot 11 on SP207420) by approved subject to reasonable and relevant conditions pursuant to Section 60 of the *Planning Act 2016*.

Approved by Delegated Authority:



Date:

15/09/2020

ATTACHMENTS

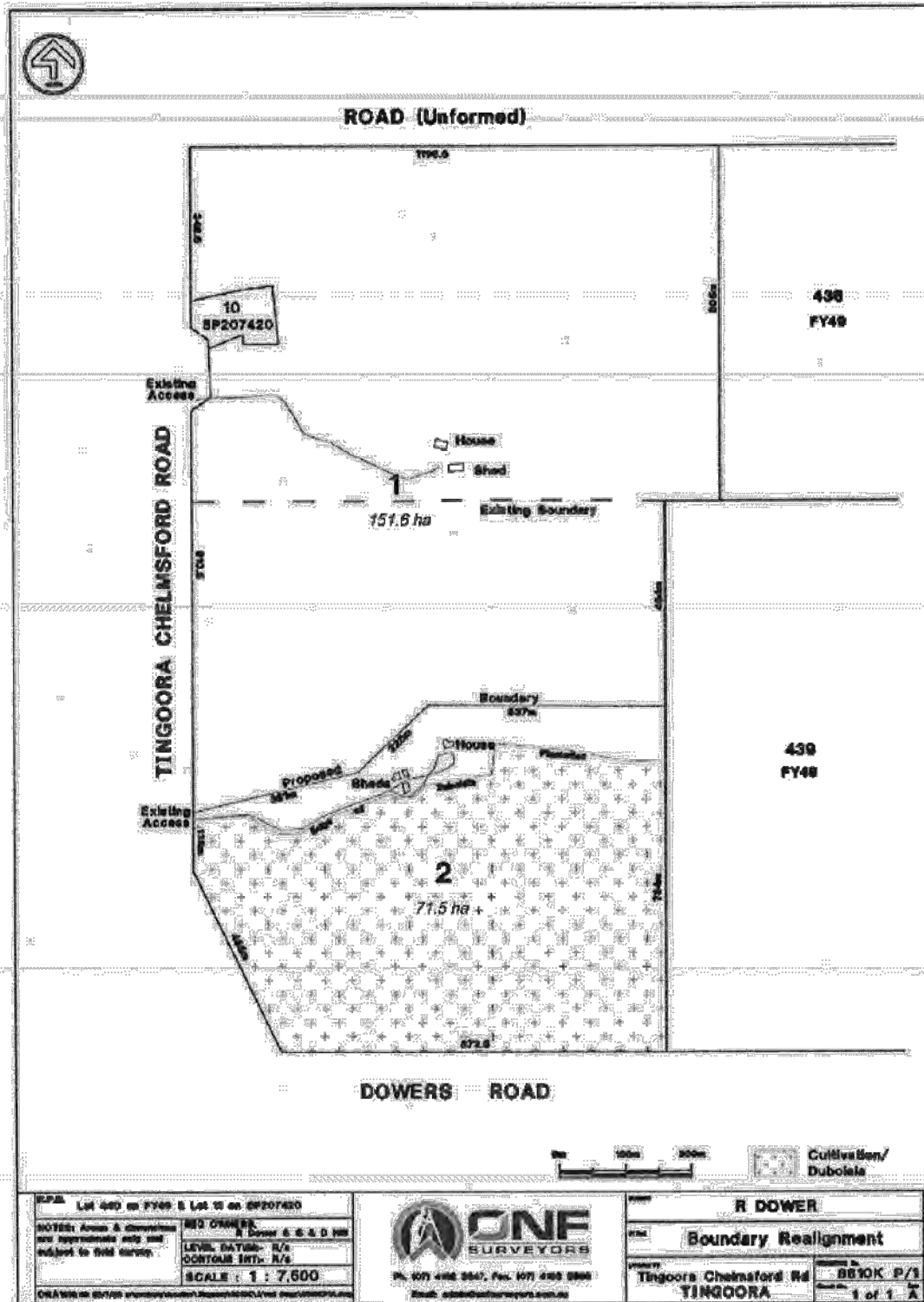
Nil

Approved by Delegated Authority: _____



Date: 15/09/2020

ATTACHMENT A
Proposed Plan



<p>DP/L: Lot 440 of FY48 & Lot 10 of 5P207420</p> <p>NOTES: Areas & dimensions are approximate only and subject to field survey.</p>	<p>REG OWNER: R DOWER & S & D HR</p> <p>LEVEL DATUM: N/A</p> <p>CONTAIN INT: N/A</p> <p>SCALE: 1 : 7,600</p>	 <p>ONE SURVEYORS</p> <p>Ph: 071 438 5547, Fax: 071 438 5560</p> <p>Email: 008@onesurveyors.com.au</p>	<p>OWNER: R DOWER</p> <p>TITLE: Boundary Realignment</p> <p>PROJECT: Tingoora Chelmsford Rd TINGOORA</p> <p>Drawn by: BB10K P/1</p> <p>Sheet No: 1 of 1 A</p>
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Approved by Delegated Authority:



Date: 15/09/2020

ATTACHMENT B
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

SITE DETAILS	
Type of Approval:	Reconfiguring a lot (boundary realignment) (2 lots into 2)
Level of Assessment	Code assessable
Submissions:	N/A
Application No:	RAL20/0010
Name of Applicant:	R Dower C/- ONF Surveyors
Street Address:	392 Tingoorra Chelmsford Road WOOROOLIN 488 Tingoorra Chelmsford Road GREENVIEW
Real Property Description:	Lot 440 on FY49 Lot 11 on SP207420

On 15 September 2020, the above development application was:

Approved in full, with conditions;

1. Assessment Benchmarks

The following are the benchmarks apply to this development:

- South Burnett Regional Planning Scheme 2017

2. Reasons for the Decision

The proposal is supported on the following grounds:

- The proposal does not introduce any additional land uses which would impair the amenity of the rural zone;
- Primary production can continue to operate as an anticipated land use for a site;
- The proposal does not introduce any impact upon adjoining sensitive land uses;
- The land will continue to be utilised for productive rural activities which is essential to the economic viability of productive agricultural land;
- The proposal supports an alternate productive rural activity that supports regionally significant industry;
- The boundary realignment does not introduce a new dwelling on agricultural land; and
- The utility of the lots is maintained.

3. Compliance with Benchmarks

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.

18 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 254J of the *Local Government Regulation 2012*:

18.1 CONF - South Burnett Community Hospital Foundation Limited Board Meeting Minutes - July 2020

This matter is considered to be confidential under Section 254J - h of the Local Government Regulation, 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 negotiations relating to the taking of land by the local government under the Acquisition of Land Act 1967.

18.2 Sale of Coolabunia Saleyards by way of Tender

This matter is considered to be confidential under Section 254J - g of the Local Government Regulation, 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 negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

19 CLOSURE OF MEETING