

## 17 INFORMATION SECTION

### 17.1 DELEGATED AUTHORITY REPORTS

**File Number:** 25/11/2020

**Author:** Planning Administration

**Authoriser:** Chief Executive Officer

#### PRECIS

Reports signed by the Chief Executive Officer under delegated authority.

#### SUMMARY



This report comprises a listing of any reports approved by delegated authority.

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#### OFFICER'S RECOMMENDATION

That the Delegated Authority report be received.

#### ATTACHMENTS

1. **P&LM - Reconfiguring of a Lot (Boundary Realignment) 48 Hart Street, Blackbutt - RAL20/0016 - ONF - Murati** [↓](#) 
2. **P&LM - 2741771 - 6 Queen Street, Kingaroy - Builders Yard and Office - Lot 1 RP 75177 - Favier Building Industries** [↓](#) 
3. **P&LM - Material Change of Use - Childcare Centre - 25 Kingaroy Street, Kingaroy - MCU20/0013** [↓](#) 
4. **P&LM - Material Change of Use - Bulk Landscaping Supplies - 18 First Avenue, Kingaroy - MCU20/0014** [↓](#) 


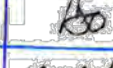

Approved by Delegated Authority:



Date: 18/11/2020

**0.0 P&LM - 2724313 - RECONFIGURATION OF A LOT - (BOUNDARY REALIGNMENT) LOT 4 ON RP32393 & LOT 6 ON RP231699, 48 & 54 HART STREET, BLACKBUTT**

**File Number:** RAL20/0016  
**Author:** Senior Planner  
**Authoriser:** Chief Executive Officer

	SIGNATURE	DATE
MANAGER		12/11/2020
GM		19/11/2020
CEO		20/11/2020

**PRECIS**

P&LM – 2724313 – Reconfiguration of a lot – (Boundary Realignment) Lot 4 on RP32393 & Lot 6 on RP231699, 48 & 54 Hart Street, Blackbutt

**SUMMARY**

- Application for Reconfiguring a Lot (Boundary realignment);
  - o Boundary configuration as proposed:
    - Total combined area for both existing lots 8,497sqm resulting in an exchange of 3,199sqm between the lots;
    - Proposed Lot 1 is 5,996sqm in area;
    - Proposed Lot 2 is 2,501sqm in area;
    - Reduce area of Lot 6 (proposed Lot 2) to the outer perimeter of the existing dwelling house yard;
    - Increase area of Lot 4 (proposed Lot 1);
  - o Access to Lot 4 is via Thomas Street;
  - o Access to Lot 6 is via Hart Street;
- Dwelling houses and associated outbuildings are established on each lot;
- Subject site is in the Rural zone under the South Burnett Regional Council Planning Scheme;
- A boundary realignment application in the Rural zone is a code assessable application;
- Proposal triggered assessment against:
  - o Rural zone code;
  - o Reconfiguring a lot code;
  - o Services and works code.
- The application has been assessed against the overall outcomes and performance outcomes of the relevant codes;
- Statement of Reasons (refer to Attachment A);
- Recommendation that Council approve the boundary realignment subject to reasonable and relevant conditions.

**OFFICER'S RECOMMENDATION**

That Council approve the Development Application for a Reconfigure a Lot (Boundary Re-alignment - 2 lots into 2 lots) located at 48 and 54 Hart Street, Blackbutt (and described as Lot 4 on RP32393 and Lot 6 on RP231699) subject to the following conditions.

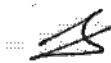
**General**

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
Boundary Realignment	ONF Surveyors	8906P/1 Sheet 1 of 1		31/8/20

GEN2. The currency period for this development approval is twelve (12) months 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*.)

Approved by Delegated Authority:



Date: 18/11/2020

GEN3. All works, including the repair or relocation of services is to be completed at no cost to Council.

**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*.

GEN6. All works, including the repair or relocation of services (Telstra, lighting) is to be completed at no cost to Council.

**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.

**Advice**

ADV1. 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.

ADV2. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

Approved by Delegated Authority:



Date: 18/11/2020

**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.

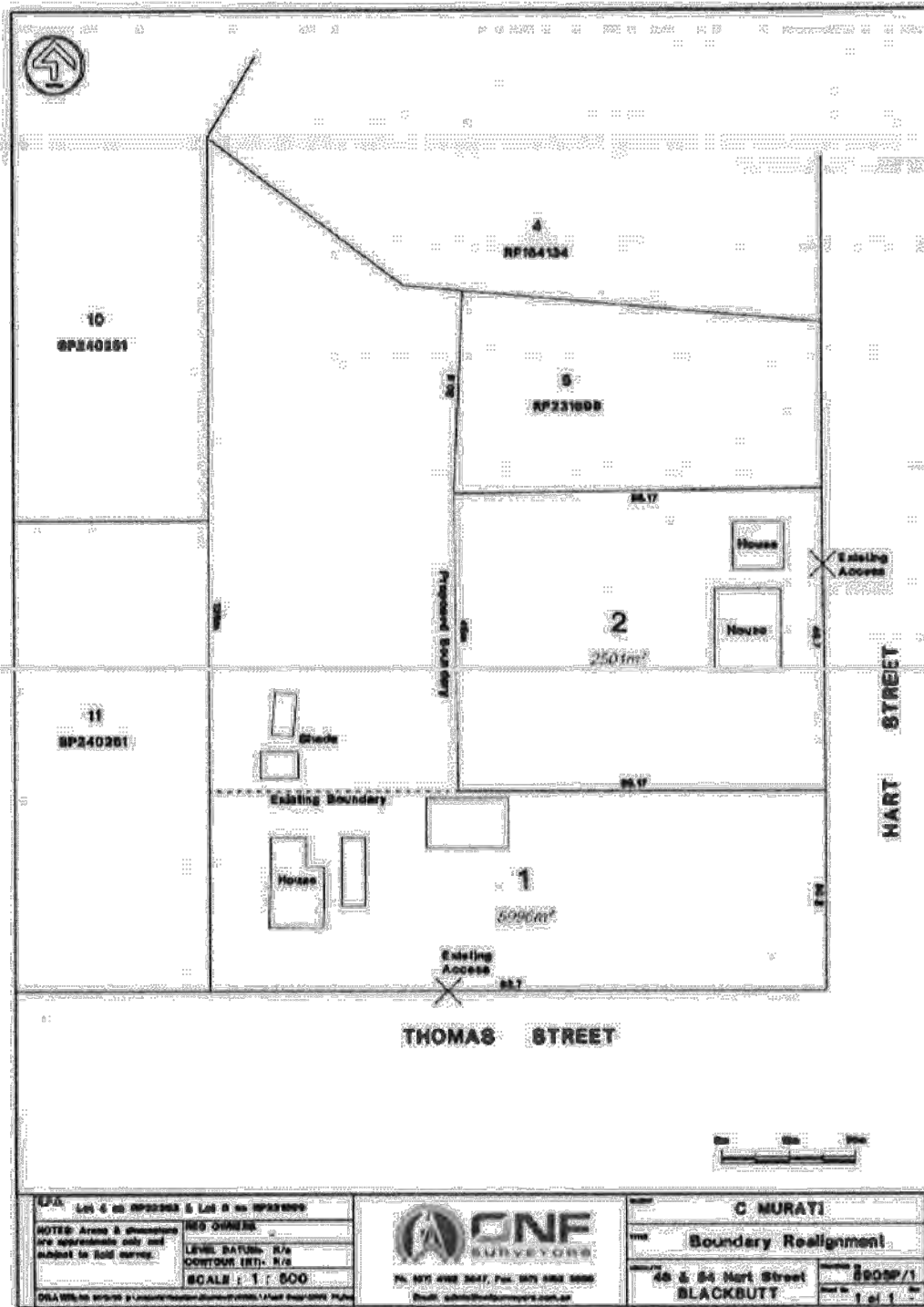
**ASSET MANAGEMENT IMPLICATIONS**

No implication can be identified.

Approved by Delegated Authority:

Date: 18/11/2020

**PROPOSAL PLAN**



Source 1: Applicant

Approved by Delegated Authority:



Date: 18/11/2020

**REPORT**

The applicant seeks approval for a Reconfiguration of a lot – Boundary Realignment.

<b>APPLICATION SUMMARY</b>	
<b>Applicant:</b>	Charles Murati C/- ONF Surveyors
<b>Proposal:</b>	Reconfiguring a lot – Boundary Realignment (2 lots into 2 lots)  Boundary configuration as proposed: <ul style="list-style-type: none"> <li>▪ Total combined area for both existing lots 8,497sqm resulting in an exchange of 3,199sqm between the lots;</li> <li>▪ Proposed Lot 1 is 5,996sqm in area;</li> <li>▪ Proposed Lot 2 is 2,501sqm in area;</li> <li>▪ Reduce area of Lot 6 (proposed Lot 2) to the perimeter of the existing dwelling house yard;</li> <li>▪ Increase area of Lot 4 (proposed Lot 1);</li> <li>▪ Access to Lot 4 is via Thomas Street;</li> <li>▪ Access to Lot 6 is via Hart Street;</li> <li>▪ Dwelling houses and associated outbuildings are established on each lot.</li> </ul>
<b>Properly Made Date:</b>	23 September 2020
<b>Street Address:</b>	48 & 54 Hart Street, Blackbutt
<b>RP Description:</b>	Lot 4 on RP32393 & Lot 6 on RP231699
<b>Assessment Type:</b>	Code
<b>Number of Submissions:</b>	N/A
<b>State Referral Agencies:</b>	N/A
<b>Referred Internal Specialists:</b>	Development Engineer

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

<b>DEVELOPMENT PARAMETERS</b>	
<b>Number of Proposed Lots</b>	2 Lots into 2 Lots
<b>Size of Proposed Lots</b>	Lot 1: 5,996sqm Lot 2: 2,501sqm
<b>Easements</b>	Nil
<b>Covenants</b>	Nil

**Site Details:**

<b>SITE AND LOCALITY DESCRIPTION</b>	
<b>Land Area:</b>	8,497sqm
<b>Existing Use of Land:</b>	Dwellings and associated outbuildings
<b>Road Frontage:</b>	Corner of Hart and Thomas Street - Access to Lot 4 via Thomas Street - Access to Lot 6 via Hart Street
<b>Road/s</b>	<b>Road Hierarchy</b>
Hart Street	Local Road
Thomas Street	Local Road
<b>Easements</b>	Nil
<b>Significant Site Features:</b>	Nil
<b>Topography:</b>	Relatively flat

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Surrounding Land Uses:	Land Use	Zone/Precinct
North	Residential Dwellings	Rural
South	Residential Dwellings	Rural
East	Residential Dwellings	Low Density Residential
West	Residential Dwellings	Rural
Services:	All services	

**Background / Site History**

APPLICATION NO.	DECISION AND DATE
	N/A

**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
Zone:	Rural
Precinct:	Nil
Assessment Benchmarks:	Rural zone code Reconfiguring a lot code Services and 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
<b>RURAL ZONE</b>	
PO1 Development maintains rural amenity and character.	<b>Complies</b> – both lots are improved by existing dwelling houses and associated outbuildings. The lots are of

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	size similar to that of large rural residential parcels of land.
PO2 Development does not jeopardise the rural production capacity of the Zone.	<b>Complies</b> – property is used for residential occupation and is not suitable for rural production due to size and proximity to low density residential zoned land.
PO3 Development does not result in any degradation of the natural environment, in terms of the geotechnical, physical, hydrological and environmental characteristics of the site and its setting.	<b>Complies</b> – both of the lots are improved by existing dwelling houses and associated outbuildings and there are no changes proposed to the lots as part of the development application.
PO4 Development is not exposed to risk from natural hazard relating to land slip.	<b>Complies</b> – the lots are already developed and there is no known natural hazard relating to slippage.
PO5 Development is adequately serviced.	<b>Complies</b> – both of the lots are improved by existing dwelling houses and associated outbuildings.
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.	<b>Complies</b> – the property is not listed on the EMR and CLR.
PO7 to PO14	Not used in assessment.
PO15 The productive capacity and utility of agricultural land for rural activities is maintained.	<b>Complies</b> – property is used for residential occupation and is not suitable for rural production due to size and proximity to low density residential zoned land.
PO16 to PO27	
PO28 Development is not exposed to risk from flood events by responding to flood potential and maintains personal safety at all times.	<b>Complies</b> – both of the lots are improved by existing dwelling houses and associated outbuildings.  The property is within the affected flood hazard overlay however it is important to note that the dwellings were constructed prior to the Planning Scheme being adopted therefore would not have been subject to additional assessment.
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.	<b>Refer above</b>
PO30 Development avoids the release of hazardous materials into floodwaters.	<b>Not applicable</b>
PO31 Community infrastructure in any area mapped as Flood Hazard is able to function effectively during and immediately after flood.	<b>Refer above</b>
PO32 to PO39	<b>Refer above</b>
<b>RECONFIGURING A LOT CODE</b>	
PO1 The boundary realignment:	<b>Complies</b> – boundary realignment does not create a lot inconsistent with the established pattern of



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<p>(a) results in lots that are consistent with the established subdivision pattern of the local area;</p> <p>(b) maintains or improves the utility of the lots;</p> <p>(c) does not create a situation where the use or buildings on the resulting lots become unlawful.</p>	<p>development surrounding the lots. As previously stated both lots have established dwelling houses and associated outbuildings.</p>
<p>PO2 The boundary realignment facilitates the creation or consolidation of a viable farming unit.</p>	<p><b>Not applicable</b></p>
<p>PO3 to PO15</p>	<p><b>Refer above</b></p>
<p>PO16 The productive capacity and utility of agricultural land for rural activities is maintained.</p>	<p><b>Complies</b> – no additional lots are being created as part of this development application.</p>
<p>PO17 to PO19</p>	<p>Not used in assessment.</p>
<p>PO20 Development is not exposed to risk from flood events by responding to flood potential and maintains personal safety at all times</p>	<p><b>Complies</b> – no additional lots are being created as part of this development application.</p>
<p>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.</p>	<p><b>Refer above</b></p>
<p>PO22 to PO23</p>	<p><b>Refer above</b></p>
<p><b>SERVICES AND WORKS CODE</b></p>	
<p>PO1 The development is planned and designed considering the land use constraints of the site for achieving stormwater design objectives.</p>	<p><b>Complies</b> No changes to physical land is proposed.</p>
<p>PO2 Development does not discharge wastewater to a waterway or off-site unless demonstrated to be best practice environmental management for that site.</p>	<p><b>Not applicable</b> No physical changes are proposed as part of the boundary realignment therefore, a wastewater management plan is not considered necessary in this instance.</p>
<p>PO3 Construction activities avoid or minimise adverse impacts on stormwater quality.</p>	<p><b>Not applicable</b> No construction activities are proposed as part of the boundary realignment.</p>
<p>PO4 Operational activities avoid or minimise changes to waterway hydrology from adverse impacts of altered stormwater quality and flow.</p>	<p><b>Refer above.</b></p>
<p>PO5 Development is provided with infrastructure which: (a) conforms with industry standards for quality; (b) is reliable and service failures are minimised; and (c) is functional and readily augmented.</p>	<p><b>Complies</b> Access to the existing lots is via established road network.</p>

Approved by Delegated Authority:



Date: 18/11/2020

<p><b>PO6 to PO11</b></p>	<p><b>Not applicable</b></p>
<p><b>PO12 to PO18</b></p>	<p><b>Overlays</b> Have been addressed in Rural zone code and Reconfiguring a lot code</p>

**Local Categorising Instrument - Variation Approval**

Not applicable.

**Local Categorising Instrument - Temporary Local Planning Instrument**

Not applicable.

**Other Relevant Matters**

Not applicable.

Approved by Delegated Authority:



Date: 18/11/2020

**Locality Plan**



Figure 1 - Aerial Image (Source: Qld Globe)

Approved by Delegated Authority:



Date: 18/11/2020

**Aerial Plan**

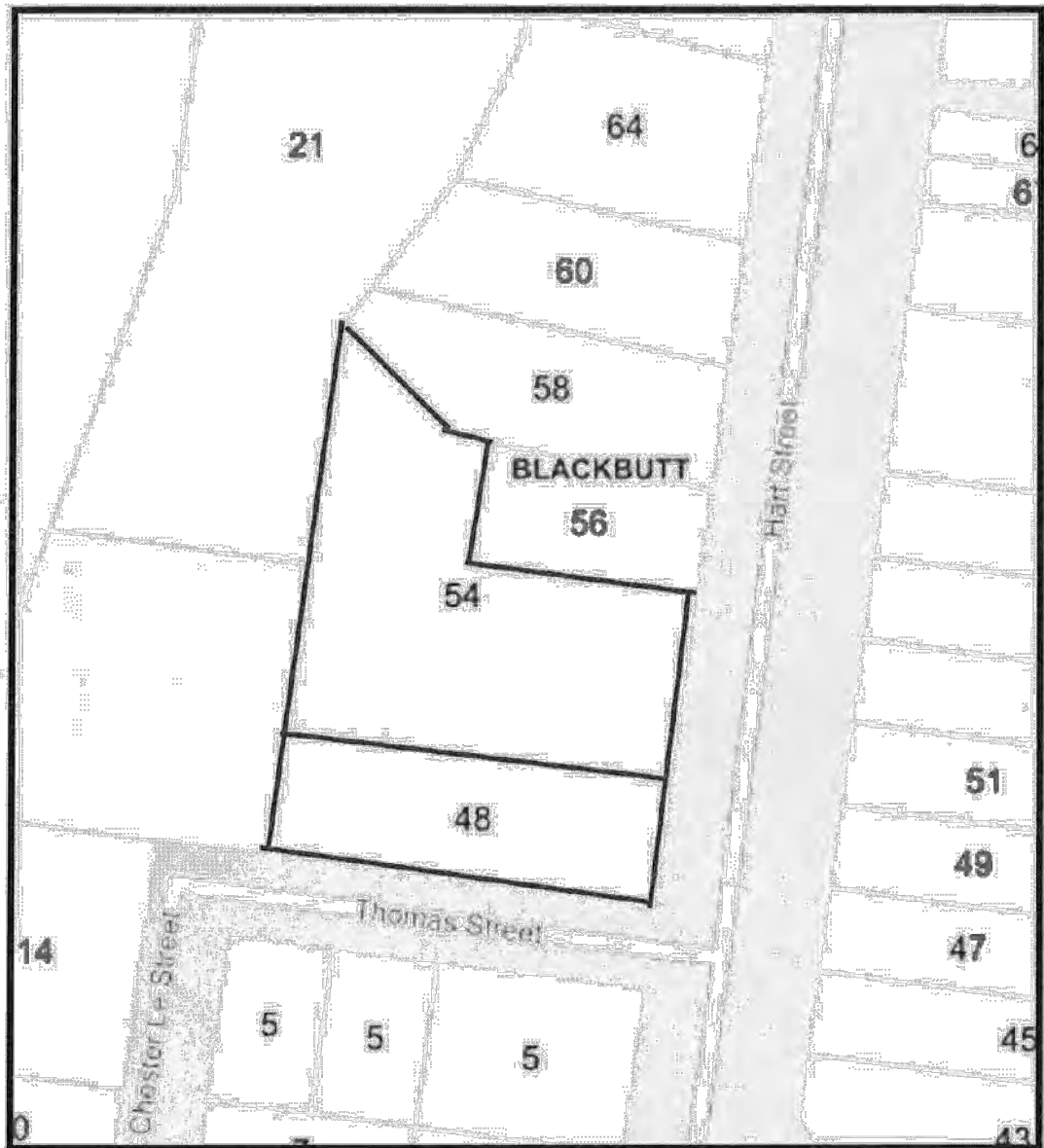


Figure 2 - Locality Plan (Source: IntraMaps)

Approved by Delegated Authority:

Date: 18/11/2020

**CONSULTATION:**

**Referral Agencies**

Not applicable.

**Other Referrals**

<b>INTERNAL REFERRAL SPECIALIST</b>	<b>REFERRAL / RESPONSE</b>
Development Engineer	No feedback was sought due to the boundary realignment.
Infrastructure Charges Unit	Not applicable to boundary realignments as no additional demand on infrastructure is created.

**Public Notification**

Not applicable.

**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.

It is recommended that the development application for Reconfiguring a Lot (boundary realignment) at 48 & 54 Hart Street, Blackbutt (and described as Lot 4 on RP32393 & Lot 6 on RP231699) be approved subject to reasonable and relevant conditions pursuant to Section 60 of the *Planning Act 2016*.

Approved by Delegated Authority:



Date: 18/11/2020

**ATTACHMENTS**

Nil

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Approved by Delegated Authority:



Date: 18/11/2020

**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:	48 & 54 Hart Street, Blackbutt
RP Description:	Lot 4 on RP32393 & Lot 6 on RP231699
Site Area	8,497sqm

PROPOSED DEVELOPMENT	
Name of Applicant	Charles Murati C/- ONF Surveyors
Type of Application	Reconfiguring a lot – Development permit
Proposed Development	Boundary realignment
Level of Assessment	Code
Area of Development	N/A
Decision	Approved with conditions
Decision Date	18 November 2020

On 18 November 2020 the above development was:

Approved in full, with conditions.

**1. Reasons for the Decision**

The reasons for this decision are:

- The proposal does not increase the number of lots in the rural zone;
- The proposal does not introduce any impact upon adjoining sensitive land uses; and
- The land will continue to be utilised for general residential activities;

**2. Assessment Benchmarks**

The following benchmarks apply to this development:

- South Burnett Regional Council Planning Scheme 2017
  - o Rural zone code
  - o Reconfiguring a lot code
  - o Services and works code

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

Approved by Delegated Authority: *A*

Date: 04/12/2020

0.0 P&LM - 2741771 - MATERIAL CHANGE OF USE - BUILDERS YARD & OFFICE - 6 QUEEN STREET, KINGAROY - LOT 1 RP 75177 - MCU20/0019

File Number: MCU20/0019  
 Author: Manager Planning and Land Management  
 Authoriser: Chief Executive Officer

SIGNATURE	DATE
<i>A</i>	4/12/2020
<i>GM</i>	7/12/2020
<i>CEO</i>	7-12-2020

**PRECIS**

Material Change of Use - Builders Yard and Office - 6 Queen Street, Kingaroy - Lot 1 RP 75177 - MCU20/0019 - Favier Building Industries - The Fare Group No 2 Pty Ltd - 2741771

**SUMMARY**

- Application for Material Change of Use – Development Permit for Transport depot (builders yard and ancillary office);
- Subject site is included within the Low impact industry zone under the South Burnett Regional Council Planning Scheme;
- Proposal triggered code assessment as it cannot met the minimum 10m setback from a sensitive receptor (dwelling house) required along the eastern boundary of the site;
- Screen fencing is proposed to provide an acoustic barrier along the part of the site adjacent to the dwelling house.
- Seven (7) car parking spaces are proposed including one (1) disabled parking space;
- No referral to SARA was triggered;
- Infrastructure Charges Notice (Attachment A – Infrastructure Charges Notice);
- The application has been assessed against the overall outcomes and performance outcomes of the relevant codes and conditioned to comply (refer to Attachment B – Statement of Reasons);
- Application recommended for approval subject to reasonable and relevant conditions.

**OFFICER'S RECOMMENDATION**

That Council approve the development permit for a Material Change of Use for Transport Depot (Builders Yard and ancillary office) at 6 Queen Street, Kingaroy described as Lot 1 RP75177, 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.	Rev	Date
Site Plan	Blueprint Drafting	20-2882-SPY Sheet 1		6/11/2020
Floor Plan	Blueprint Drafting	20-2882-SPY Sheet 2		6/11/2020
Elevations	Blueprint Drafting	20-2882-SPY Sheet 3		6/11/2020
HRV Turning	Blueprint Drafting	20-2882-SPY Sheet 6		6/11/2020
MRV Turning	Blueprint Drafting	20-2882-SPY Sheet 7		6/11/2020

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.



Approved by Delegated Authority:



Date: 04/12/2020

- 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.
- GEN5. The approved development is a Material Change of Use for a Transport Depot and ancillary office, as shown on the approved plans.
- GEN6. Provide a 1.8 metre high solid screen fence along the eastern boundary of the site commencing at the site's front boundary for a distance of at least 40 metres to provide screening of the full façade of the building.

**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 commencement of the use unless stated otherwise.
- ENG 2 Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's standards, relevant design guides, and Australian Standards.
- ENG 3 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**

- 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 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.
- ENG 7 Design and construct stormwater drainage to ensure that the development will achieve "no nuisance" as described in the Queensland Urban Drainage Manual (QUDM) to all downstream properties including road reserves and the like for design storms up to ARI100.
- ENG 8 A Class 'D' steel grate shall be placed at the property boundary (within the site) for the full width of the driveway to intercept stormwater, which shall be then piped to the kerb and channel. A steel (or approved equivalent) kerb adaptor shall be installed at the outlet to the kerb and channel.
- ENG 9 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 10 Design and construct stormwater drainage incorporating measures to prevent any sediment, solid matter and floatable oils being carried into existing stormwater system.
- ENG 11 Stormwater from sealed areas and overflow pipes from stormwater detention structures and/or tanks installed for the stormwater system is required to be piped to the kerb and channel.
- ENG 12 Design and construct all internal stormwater drainage works to comply with the relevant Section/s of AS/NZS 3500.3.2.

Approved by Delegated Authority:



Date: 04/12/2020

**LAWFUL POINT OF DISCHARGE**

ENG 13 Lawful point of discharge for the development is Queen Street.

ENG 14 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**

ENG 15 Connect the development to Council's reticulated water supply system via a single connection.

**SEWERAGE**

ENG 16 Connect the development to Council's existing reticulated sewerage system via a single connection.

**PARKING AND ACCESS - GENERAL**

ENG 17 Design all access driveways, circulation driveways, parking aisles and car parking spaces in accordance with Australian Standard 2890.1 - Parking Facilities - Off Street Car Parking.

ENG 18 Design and construct all sealed areas with concrete, asphalt or a two-coat bitumen seal.

ENG 19 Provide a minimum of seven (7) car parking spaces including a minimum of one (1) person with disability (PWD) car parking spaces.

ENG 20 Design & construct all PWD car parking spaces in accordance with AS2890.6.

ENG 21 Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

ENG 22 Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

**VEHICLE ACCESS**

ENG 23 Construct a commercial standard crossover between the property boundary and the edge of the Queen Street road pavement, having a minimum width of six (6) metres, generally in accordance with IPWEAQ Std Dwg RS-051, Rev F. Ensure that crossover splay is designed to accommodate turning movements of a Heavy Rigid Vehicle.

ENG 24 For the full width of the crossover, include a 1.5m wide section at 2% maximum side slope towards the street, to allow provision for a future footpath to tie into.

ENG 25 Remove the existing concrete slab within the existing footpath, and replace with topsoil and grass seed.

ENG 26 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 (eg power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).

**REDUNDANT CROSSOVERS**

ENG 27 Remove all redundant crossovers and reinstate the kerb and channel, road pavement, services, verge and any footpath [to Council's standard/to the standard immediately adjacent] along the frontage of the site.

**ELECTRICITY AND TELECOMMUNICATION**

ENG 28 Connect the development to electricity and telecommunication services.

**EARTHWORKS - GENERAL**

ENG 29 Earthworks per site involving cut or fill with a nett quantity of material greater than 50m<sup>3</sup>, requires an Operational Work application.

ENG 30 Undertake earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.

Approved by Delegated Authority:



Date: 04/12/2020

**EARTHWORKS - RETAINING STRUCTURES AND BATTERS**

ENG 31 Ensure retaining walls and earthworks batters designs do not adversely affect adjoining properties or services within the vicinity.

ENG 32 Ensure batters do not exceed a maximum slope of 25% (1 in 4).

ENG 33 Contain any batters wholly within the proposed development site. Fill cannot be placed on adjacent properties without providing Council with written permission from the respective property owner(s).

ENG 34 Design and construct all retaining walls and associated footings in accordance with AS4678 Earth Retaining Structures and without encroachment onto adjoining properties or public land.

**EROSION AND SEDIMENT CONTROL - GENERAL**

ENG 35 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.

ENG 36 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



Date: 04/12/2020

**Financial and Resource Implications**

No implication can be identified.

**Link to Corporate/Operational Plan:**

Growth and Opportunity

GO2 Balanced development that preserves and enhances our region.

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

**Communication/Consultation (Internal/External):**

Refer to consultation in this report.

**Legal Implications (Statutory Basis, Legal Risks)**

No implication can be identified.

**Policy/Local Law/Delegation Implications:**

No implication can be identified.

**Asset Management Implications:**

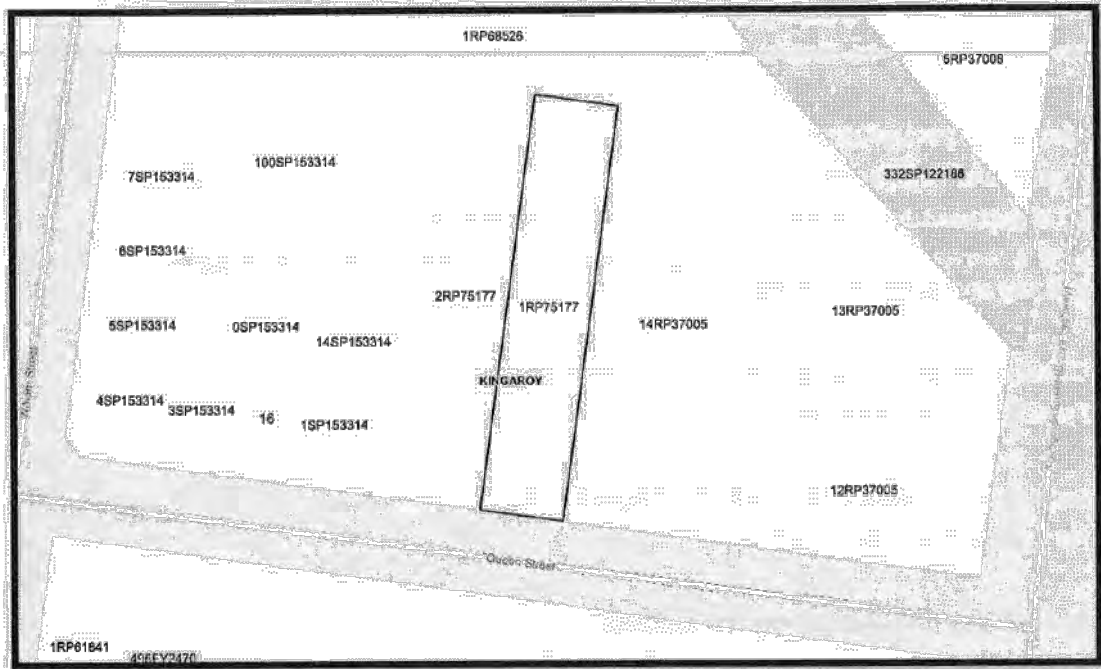
No implication can be identified.

Approved by Delegated Authority:



Date: 04/12/2020

**Locality Plan**



Source: Intramaps

**Aerial Plan**



Source – Qld Globe

Approved by Delegated Authority:



Date: 04/12/2020

**Report:**

Applicant:	Favier Building Industries
Owner:	The Fare Group No.2 Pty Ltd
Property Address:	6 Queen Street, Kingaroy
Real Property Description:	Lot 1 RP 75177
Approvals Sought:	Development Permit
Proposal Description:	Material Change of Use – Transport Depot (Builders Yard & ancillary Office)
Planning Scheme:	South Burnett Regional Council Planning Scheme 2017
Planning Scheme Zone:	Low Impact Industry
Zone Precinct:	
Area of Land:	2023sqm
Existing Land Use:	Vacant Land
Surrounding Land Uses:	Residential (Med Density Res) & Vacant Land (Low Impact Industry)
Services:	Town Water, Sewerage, Power and Sealed Road
Access:	Queen Street, Kingaroy
Topography:	Relatively flat.
Application Deemed Properly Made:	10 November 2020
Confirmation Notice Issued:	Not required
Information Request Issued:	Not required
Information Response Received:	N/A
Referrals Required/Received:	N/A
Public Notification:	N/A
Properly Made Submissions:	N/A
Public Notice Compliance:	N/A

**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*

Approved by Delegated Authority:



Date: 04/12/2020

- 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:

<b>PLANNING REGULATION 2017 DETAILS</b>	
<b>Assessment Benchmarks:</b>	Nil
<b>WBB Regional Plan Designation:</b>	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.

<b>Planning Scheme:</b>	South Burnett Regional Council Planning Scheme Version 1.3
<b>Zone:</b>	Low Impact Industry
<b>Precinct:</b>	N/A
<b>Assessment Benchmarks:</b>	Low Impact Industry Zone 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:

**South Burnett Regional Council Planning Scheme**

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

Zones

Low Impact Industry Zone

Overlays

OM1 – Airport Environs overlay. There are no requirements and assessment benchmarks relevant to the proposal due to the distance from the subject site to the Kingaroy Airport.

Other Codes

Services and Works Code

Approved by Delegated Authority:



Date: 04/12/2020

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	
<b>Section 1 General</b>		
<p><b>PO2</b> Buildings are sited to achieve an acceptable standard of visual amenity.</p>	<p><b>AO2.1</b> Buildings are setback from sub-arterial or higher order road frontages by a minimum of 8m. or <b>AO2.2</b> Buildings are setback from all other road frontages by a minimum of 4m. and <b>AO2.3</b> Where adjoining land is used, or approved for use, for uses in the accommodation activities use group, buildings are setback a minimum of 10m from the common property boundary. or Where adjoining land is used, or approved for use, for industrial use, buildings have no minimum setbacks to the common property boundary. or In all other circumstances, buildings are setback a minimum of 4m from the common property boundary. and <b>AO2.4</b> Total use area is no more than 75% of the site, excluding car parking areas.</p>	<p>Due to the location of the sewer main along the western boundary of the site and the relatively narrow lot (20.1m wide) the location of the proposed building cannot meet the required 10m setback from the common boundary with the sensitive receptor (existing dwelling) on the adjacent land at 2 Queen Street.</p> <p>The proposal is designed so that the office component of the proposed building is located adjacent to the existing dwelling and 1.8m high screen fence is proposed to provide visual and acoustic screening.</p>
<b>Section 2 Where adjoining or opposite a sensitive receptor</b>		
<p><b>PO11</b> The operation of the development does not adversely impact on the amenity of any nearby residential or other sensitive land use (as defined in the Regulation).</p>	<p><b>AO11.1</b> Outdoor lighting is designed, installed and maintained in accordance with AS4282 – Control of the Obtrusive Effects of Outdoor Lighting. and <b>AO11.2</b> Noise emission from the use meets the standards prescribed in the Environmental Protection (Noise) Policy 2008. and <b>AO11.3</b> New plant, equipment and service areas are located no less than 2m from the landscape buffer required by AO5.3 of this Code or are housed in the building. and <b>AO11.4</b> Outdoor activities and heavy vehicle movements are restricted to between 7am to 7pm Monday to Saturday. and</p>	<p>The proposal can achieve compliance with the requirements as most of the work associated with the proposal will be undertaken off-site and inside the proposed building as required.</p>



Approved by Delegated Authority:

Date: 04/12/2020

	<p>AO11.5 Indoor activities occurring between 7pm and 7am or on Sundays are limited to office and administrative tasks or are not audible or visible from outside the building.</p> <p>and</p> <p>AO11.6 All on-site manoeuvring areas are sealed.</p> <p>and</p> <p>AO11.7 No building openings occur in walls facing a common boundary shared with a residential activity.</p> <p>and</p> <p>AO11.8 Where the site is on the opposite side of the road to a public park or residential zone, all on-site activity, open storage and servicing is located at the rear of the building.</p> <p>or</p> <p>The full length of the property boundary, excluding site access, between external storage areas and road frontages, public parks or residential zones are provided with a 1.8m high screen fence. The screen fence includes a 5m return along any side boundary.</p> <p>and</p> <p>AO11.9 Where the site has a common boundary with a sensitive receptor, effective acoustic screening is provided to all areas where work could be conducted outside the building, including refuse collection.</p>	
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**CONSULTATION:**

**Referral Agencies**

N/A.

**Other Referrals**

<b>INTERNAL REFERRAL SPECIALIST</b>	<b>REFERRAL / RESPONSE</b>
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"> <li>a) Reconfiguring a Lot;</li> <li>b) Making a Material Change of Use;</li> <li>c) Carrying out Building Work.</li> </ul>

Approved by Delegated Authority:



Date: 04/12/2020

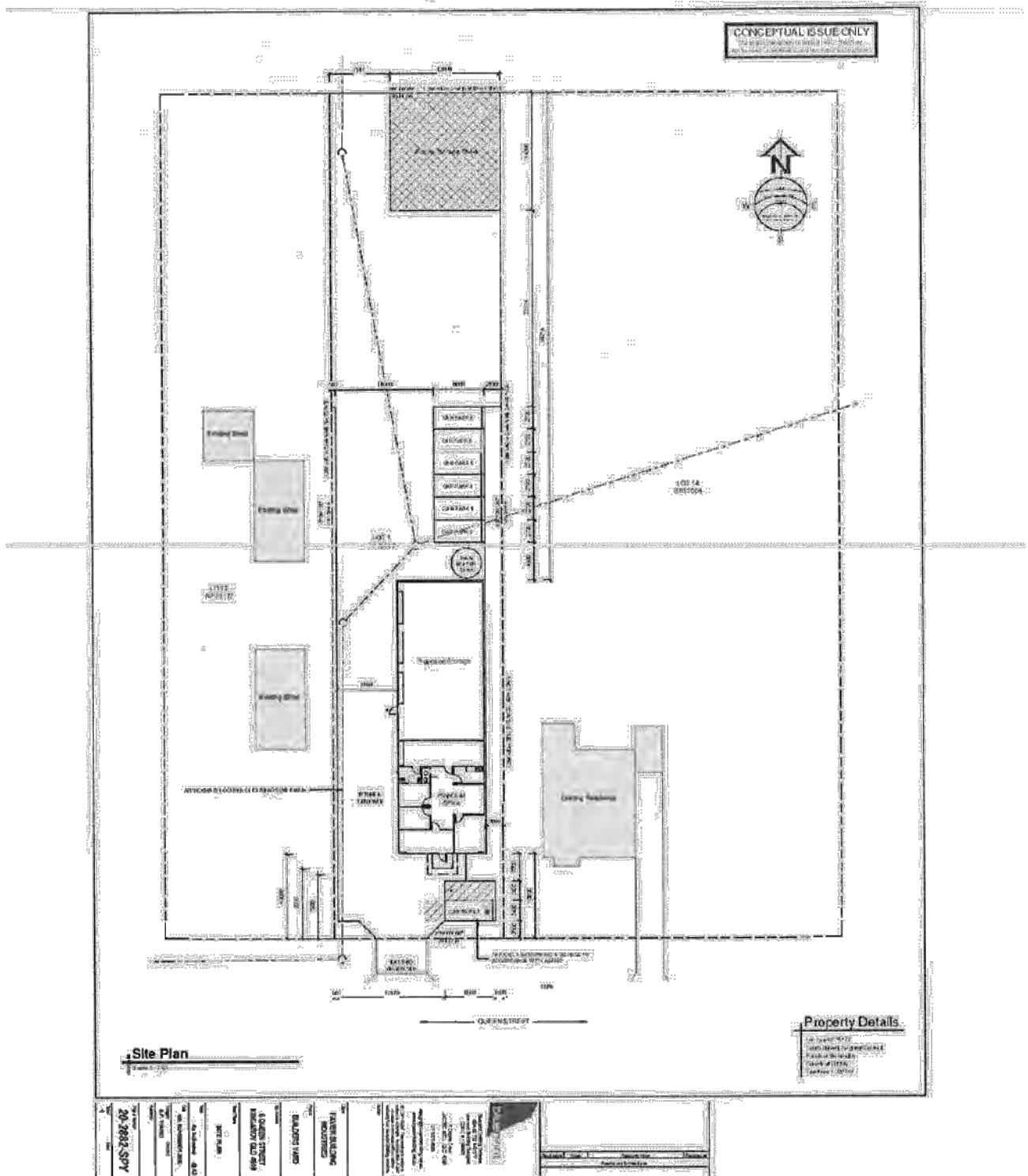
	<p>The property is within the catchment mapping and is therefore subject to relevant adopted charges.</p> <p>The adopted charge for material change of use for low impact industry development, is the adopted charge as stated in Table 2.1 of the South Burnett Regional Council Charges Resolution (No. 3) 2019.</p> <p>Refer to the Infrastructure Charges Notice attached as Attachment B.</p>
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Approved by Delegated Authority:



Date: 04/12/2020

Attachment A  
 Proposal Plans



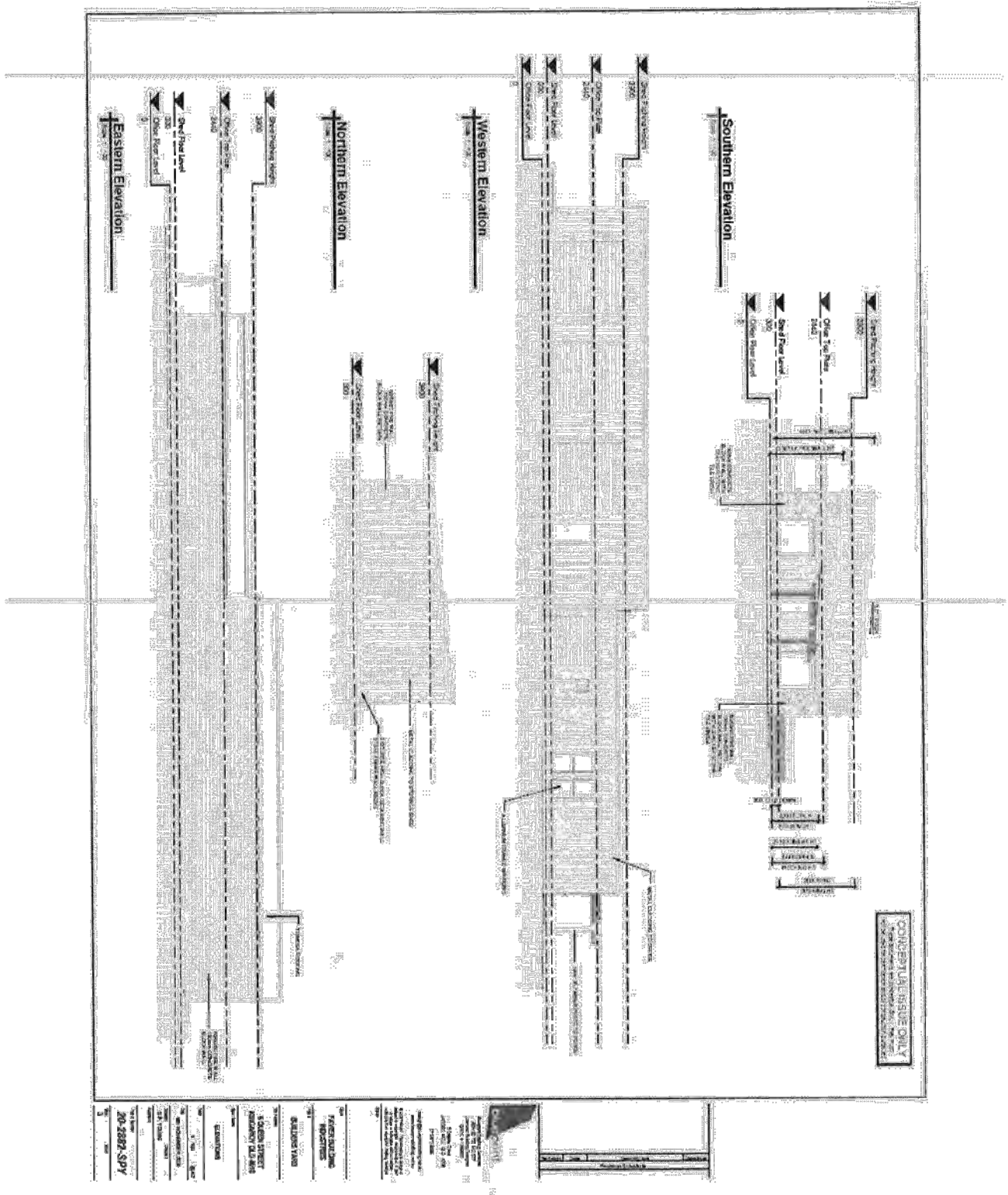
MCU20/0019 – 6 Queen Street, Kingaroy

12 of 25



Approved by Delegated Authority

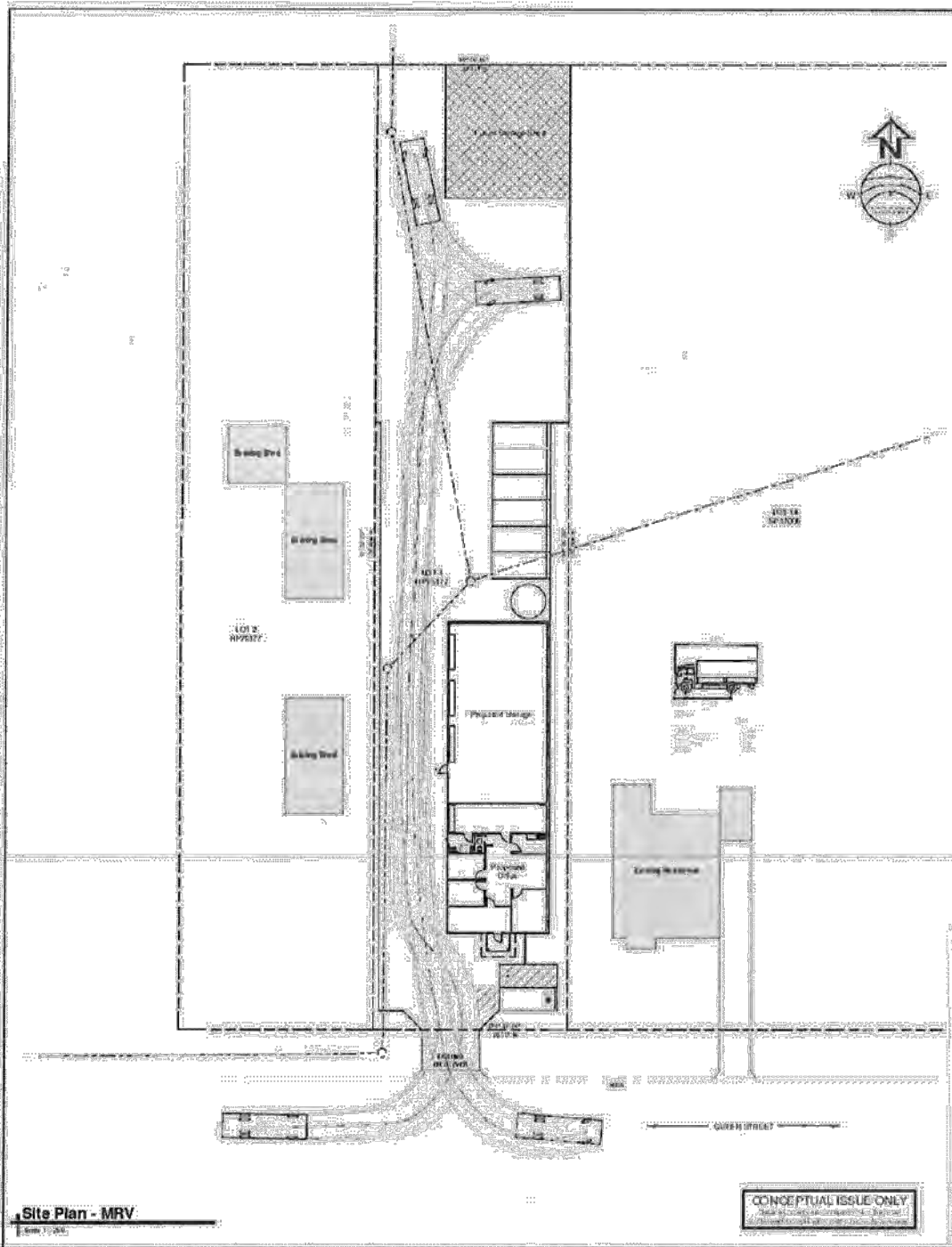
Date: 04/12/2020



Approved by Delegated Authority



Date: 04/12/2020

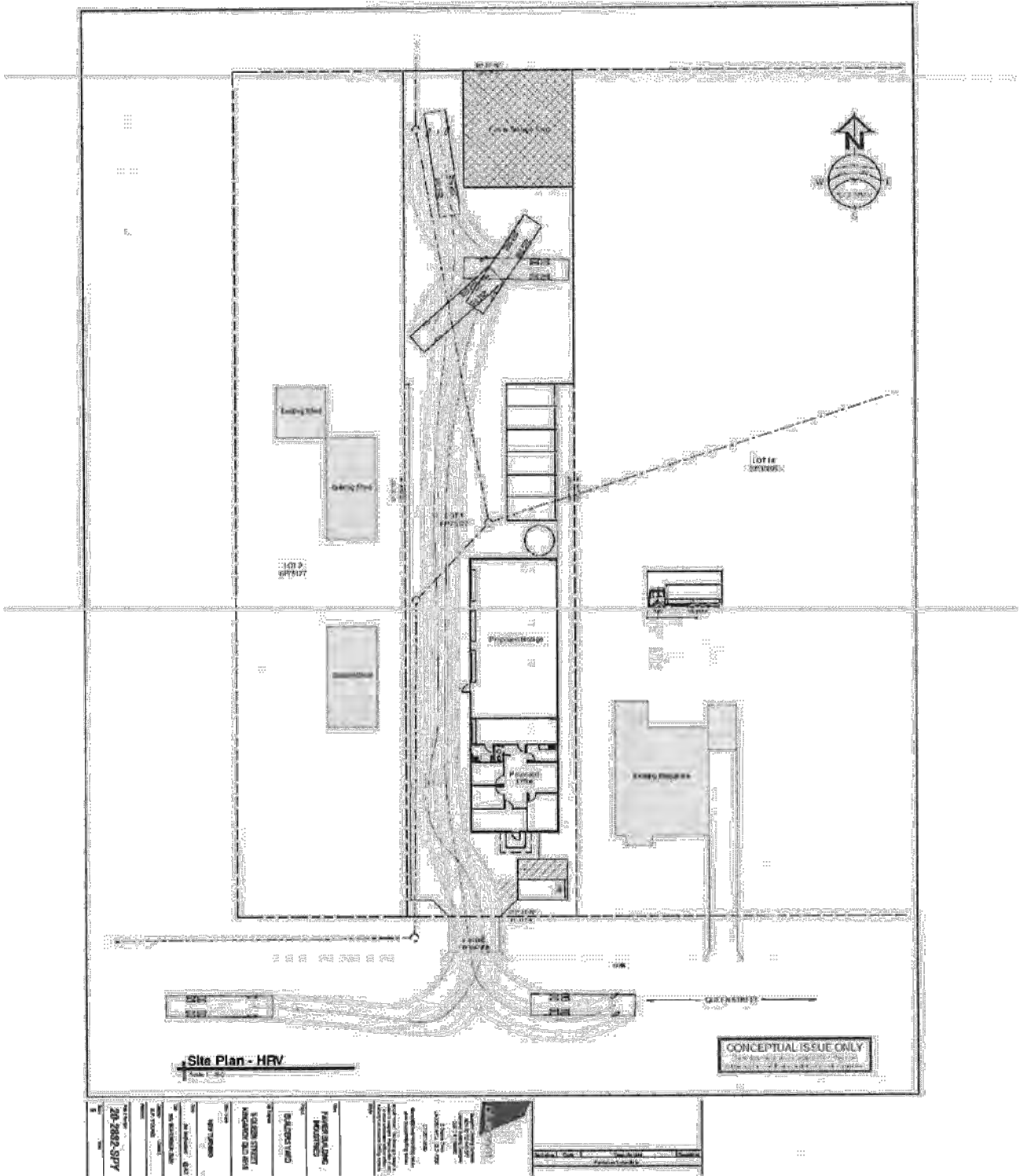


<b>Sites Plan - MRV</b>	
Scale: 1:500	
Project No:	20-2882-SPV
Client:	...
Design Stage:	...
Prepared by:	...
Checked by:	...
Approved by:	...
Date:	...
Location:	...
Site Name:	...
Project Description:	...
Notes:	...

Approved by Delegated Authority



Date: 04/12/2020



Approved by Delegated Authority



Date: 04/12/2020

**South-Western View**  
NOT TO SCALE

**South-Eastern View**  
NOT TO SCALE

**CONCEPTUAL ISSUE ONLY**  
These drawings are intended only for conceptual purposes and are not to be used for construction or other purposes.

**blueprint**  
Project: 20-2882-SPY  
Site: 6 QUEEN STREET, KINGAROY QLD 4618  
Scale: 1:1000

**blueprint**  
Project: 20-2882-SPY  
Site: 6 QUEEN STREET, KINGAROY QLD 4618  
Scale: 1:1000

Revision	Date	Description	Designer
1		Revisions Schedule	

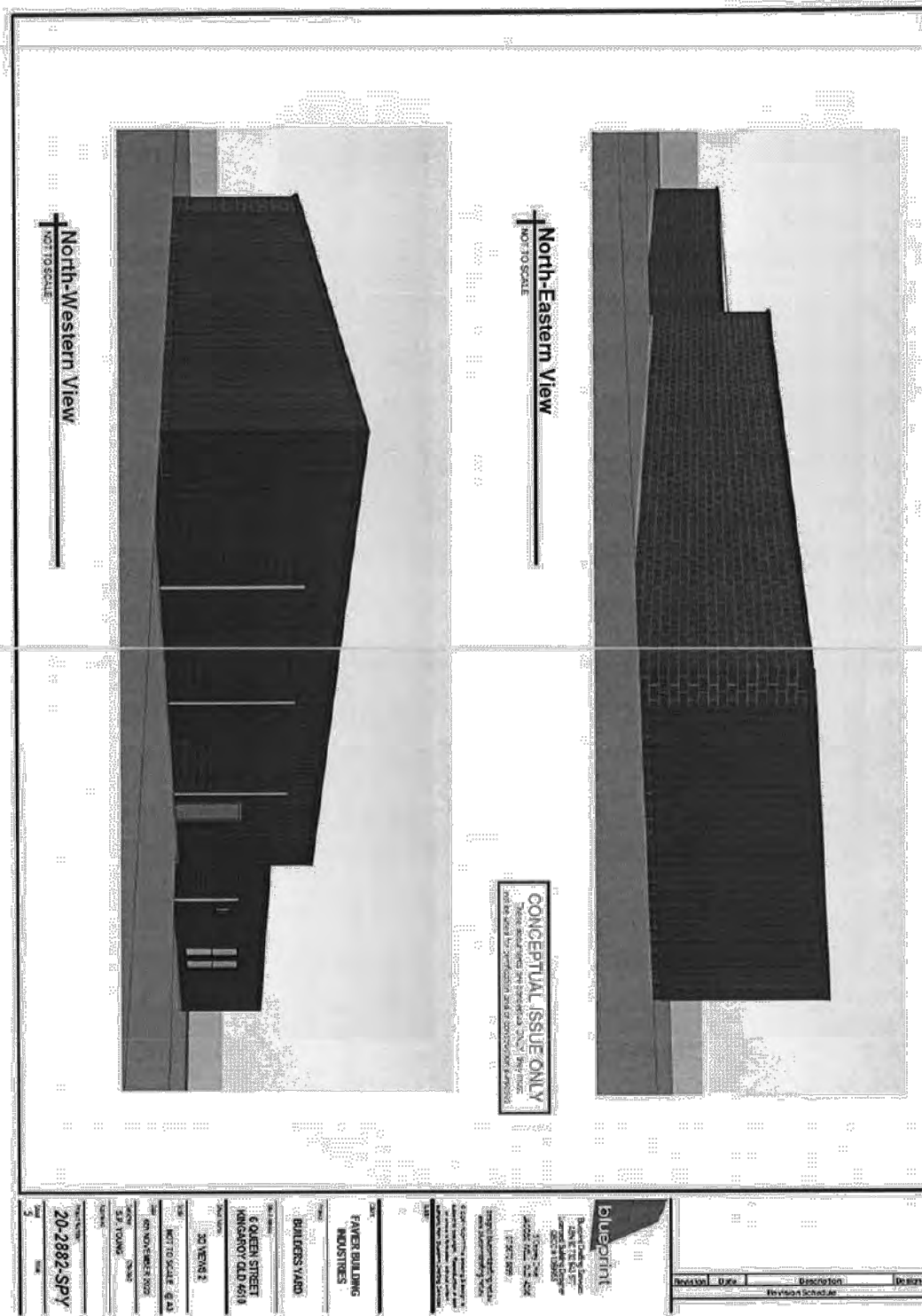
**FANIER BUILDING INDUSTRIES**  
BUILDERS YARD  
30 YERNS 1  
6 QUEEN STREET  
KINGAROY QLD 4618  
NOT TO SCALE 1:1000  
4th NOVEMBER 2020  
P.A. YOUNG

**20-2882-SPY**



Approved by Delegated Authority:

Date: 04/12/2020



Approved by Delegated Authority:



Date: 04/12/2020

Attachment B

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

**APPLICANT:** Favier Building Industries  
 C/- ONF Surveyors  
 PO Box 896  
 KINGAROY QLD 4610

**APPLICATION:** MCU - Code - Builders Yard and Office

**DATE:** 04/12/2020

**FILE REFERENCE:** MCU20/0019

**AMOUNT OF THE LEVIED CHARGE:** **\$0.00** **Total**  
*(Details of how these charges were calculated are shown overleaf)*

\$0.00	Water Supply Network
\$0.00	Sewerage Network
\$0.00	Transport Network
\$0.00	Parks and Land for Community Facilities Network
\$0.00	Stormwater Network

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

**LAND TO WHICH CHARGE APPLIES:** Lot 1 RP75177

**SITE ADDRESS:** 6 Queen Street, Kingaroy, Qld

**PAYABLE TO:** South Burnett Regional Council

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

**OFFSET OR REFUND:** Not Applicable.

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

Approved by Delegated Authority:

Date: 04/12/2020

### DETAILS OF CALCULATION

#### Water Supply

##### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Other Industry	361	GFA	\$18.00	CR Table 2.2	\$6,498.00

##### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Accepted Development	361	GFA	\$18.00	CR Table 2.2	\$6,498.00

#### Sewerage

##### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Other Industry	361	GFA	\$10.00	CR Table 2.2	\$3,610.00

##### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Accepted Development	361	GFA	\$10.00	CR Table 2.2	\$3,610.00

#### Transport

##### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Other Industry	361	GFA	\$8.00	CR Table 2.2	\$2,888.00

##### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Accepted Development	361	GFA	\$8.00	CR Table 2.2	\$2,888.00

#### Parks and Land for Community Facilities

##### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Other Industry	361	GFA	\$0.00	CR Table 2.2	\$0.00

##### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Accepted Development	361	GFA	\$0.00	CR Table 2.2	\$0.00

Approved by Delegated Authority



Date: 04/12/2020

**Stormwater**

**Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Other Industry	361	GFA	\$2.00	CR Table 2.2	\$722.00

**Discounts\***

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Accepted Development	361	GFA	\$2.00	CR Table 2.2	\$722.00

**Levied Charges**

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Other Industry	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

*\* 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: 04/12/2020

## 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 average<sup>1</sup>. 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](mailto: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;

<sup>1</sup> 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: 04/12/2020

- 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](mailto:info@southburnett.qld.gov.au)

Approved by Delegated Authority:



Date: 04/12/2020

**ATTACHMENTS**

Nil

Approved by Delegated Authority:



Date: 04/12/2020

**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	Material Change of Use
Level of Assessment	Code
Application No	MUC20/0019
Name of Applicant	Favier Building Industries
Street Address	6 Queen Street, Kingaroy
Real Property Address	Lot 1 RP 75177

On 04 December 2020 the above development was:

Approved in full, with conditions.

**1. Reasons for the Decision**

The reasons for this decision are:

- The proposed development is considered to be consistent with the low impact industry outcome of the zone.
- The proposed development is compatible with the existing low impact industry uses in the vicinity of the subject site.
- The proposed development is designed to minimise the potential amenity impacts on the adjacent sensitive receptor by a solid screen fence.

**2. Assessment Benchmarks**

The following benchmarks apply to this development:

- South Burnett Regional Council Planning Scheme 2017
- Low Impact Industry Zone Code
- Services and Works Code

**3. Compliance with Benchmarks**

ASSESSMENT MATTERS					
Relevant matters	The proposed development was assessed against the following relevant matter/s: - Nil.				
Matters raised in submissions	<table border="1"> <thead> <tr> <th>Issue</th> <th>How matter was dealt with</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Issue	How matter was dealt with		
Issue	How matter was dealt with				
Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and complies with all of these or can be conditioned to comply.				

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



Approved by Delegated Authority:

Date: 3 November 2020

**0.0 P&LM - 2704563 - MATERIAL CHANGE OF USE APPLICATION FOR CHILDCARE CENTRE AT 25 KINGAROY STREET KINGAROY AND 27 OASIS DRIVE KINGAROY - LOT 10 SP204673 & 16 SP204673 - APPLICANT: THE PLANNING PLACE FOR TD CHILDCARE PTY LTD - MCU20/0013**

**File Number:** MCU20/0013  
**Author:** Manager Planning and Land Management  
**Authoriser:** Chief Executive Officer

	SIGNATURE	DATE
MANAGER		11/11/2020
GM		13/11/2020
CEO		13.11.2020

**PRECIS**

Material change of use application for Childcare Centre at 25 Kingaroy Street Kingaroy and 27 Oasis Drive Kingaroy described as Lot 10 SP204673 & Lot 16 SP204673 - Applicant: The Planning Place for TD Childcare Pty Ltd - MCU20/0013

**SUMMARY**

- The Applicant seeks approval for Material Change of Use to establish a 'Child Care Centre' on land described as Lots 10 & 16 on SP204673 and situated at 25 Kingaroy Street and 27 Oasis Drive, Kingaroy.
- The proposal seeks to establish a Child Care Centre that will have a capacity of 65 children. The proposed development provides for 16 car parking spaces including a set-down area. Access to the site is proposed via Mirage Avenue, while egress will be via Oasis Drive.
- Council previously issued a Development Permit for a Material Change of Use for a Child Care Centre over the site, dated 23 March 2013 (Council Ref IR1140809). Council also granted a Preliminary Approval to override the Planning Scheme on 11 April 2014. The Preliminary Approval endorsed the development of the Taabinga Downs Structure Plan, and this current development application seeks a development permit in accordance with the approved Structure Plan.
- In accordance with the Preliminary Approval, the lots are located within the Residential Zone – Multi-Purpose Precinct. The Preliminary Approval was granted pursuant to the Kingaroy Shire Council Planning Scheme 2006.
- The proposed development is a Child Care Centre which is subject to Code Assessment pursuant to the Preliminary Approval.
- The proposed development does not conflict with the current planning framework.
- Based on an assessment of the matters Council (as Assessment Manager) must and may have regard to under section 45 (3) of the *Planning Act 2016* (the Planning Act), the application can be approved subject to the conditions outlined herein.

**OFFICER'S RECOMMENDATION**

That Council approved the application for a Development Permit for a Material Change of Use to establish a Child Care Centre at 25 Kingaroy Street and 27 Oasis Drive, Kingaroy described as Lot 10 SP204673 & Lot 16 SP204673, subject to the following conditions:

Approved by Delegated Authority:



Date: 3 November 2020

**General**

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

Drawing No.	Sheet Name	Issue	Date
3352A.DA.06	Ground Floor Plan	H	27/11/2012
3352A.DA.07	Ground Floor Plan Part 1	H	27/11/2012
3352A.DA.08	Ground Floor Plan Part 2	H	27/11/2012
3352A.DA.11	Elevations	H	27/11/2012

**Timing:** To be maintained at all times

**Planning**

**PLN1** Unless stated otherwise, all conditions are to be complied with prior to commencement of the use and compliance maintained at all times while the use continues. Written notification shall be provided to Council of the commencement of the use, confirming compliance with conditions of this approval.

**PLN2** The approved use is a Child Care Centre, with a capacity not exceeding 65 children.

**PLN3** The development may not start until the following development permits have been issued and complied with as required:

- Development Permit for Building Work;
- Permit for Plumbing and Drainage Work;
- Development Permit for Operational Work (including site works, access driveways, stormwater disposal)

**PLN4** Maintain the approved development in accordance with the approved drawings and documents and any relevant subsequent approvals required by the conditions herein.

**PLN5** The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor or invitee of the Developer at all times unless otherwise stated.

**PLN6** The hours of operation for the use are Monday to Friday, 6:30am to 6:30pm.

**PLN7** Design all external lighting in accordance with AS4282-1997 "Control of the Obtrusive Effects of Outdoor Lighting".

Outdoor lighting does not involve:

- (a) lighting that shines, projects or reflects above a horizontal plane;
- (b) coloured, flashing or sodium lighting;
- (c) flare plumes; and
- (d) configurations of lights in straight parallel lines 500m to 1,000m in length.

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.

Approved by Delegated Authority:



Date: 3 November 2020

Submit the Council, within three months from the use commencing, certification from a suitably qualified person that all exterior lighting has been installed in accordance with AS4282-1997 "Control of the Obtrusive Effects of Outdoor Lighting".

- PLN8** A fence along the road frontage of the site will be not more than 1.2 metres in height if solid, or 1.5 metres in height if at least 50% transparency.
- PLN9** A 1.8 metre high acoustic fence is to be installed along the southern boundary of both lots.
- PLN10** Refuse storage is to be located a minimum of 2.0 metres from the southern boundary. A screened enclosure for refuse storage is required.
- PLN11** The two lots (Lot 10 and Lot 16 SP204673) are to be amalgamated via a Survey Plan prior to the issue of a Certificate of Classification for the Child Care Centre.
- PLN12** No external third party advertising devices associated with the approved development are permitted to be placed or erected at the premises, or affixed or otherwise to any building or structure.
- PLN13** Install and maintain buffer landscaping along the perimeter of the site as shown on the approved plans, except as stated in Condition ENG 20.

#### **Engineering Works**

- ENG1.** Submit to Council, an Operational Work application for all civil works including earthworks, stormwater, roadworks, access and parking, erosion and sediment control.
- ENG2.** 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.
- ENG3.** Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's standards, relevant design guides, and Australian Standards.
- ENG4.** 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 Service Infrastructure and Assets.**

- ENG5.** Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
- ENG6.** Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development

Approved by Delegated Authority:



Date: 3 November 2020

**Stormwater Management**

- ENG7.** Design and construct stormwater drainage to ensure that the development will achieve "no nuisance" as described in the Queensland Urban Drainage Manual (QUDM) to all downstream properties including road reserves and the like for design storms up to ARI100.
- ENG8.** Stormwater detention storage shall be designed into the development. A nominal detention volume of 20m<sup>3</sup> with a 50mm orifice is required, unless otherwise agreed by Council. It is preferred that detention storage is designed into the landscaping and carpark areas.
- ENG9.** Connect the development to the existing underground stormwater system.
- ENG10.** 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.
- ENG11.** Stormwater from sealed areas and overflow pipes from stormwater detention structures and/or tanks installed for the stormwater system is required to be piped to the existing stormwater system.
- ENG12.** Design and construct all internal stormwater drainage works to comply with the relevant Section/s of AS/NZS 3500.3.2.
- ENG13.** 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.

**Lawful Point of Discharge**

- ENG14.** 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**

- ENG15.** Connect the development to Council's reticulated water supply system via a single connection.

**Sewerage**

- ENG16.** Connect the development to Council's existing reticulated sewerage system via a single connection.

**Parking and Access - General**

- ENG17.** Design all access driveways, circulation driveways, parking aisles and car parking spaces in accordance with Australian Standard 2890.1 - Parking Facilities - Off Street Car Parking, unless otherwise stated in the conditions.
- ENG18.** Design and construct all sealed areas with concrete, asphalt or a two-coat bitumen seal.
- ENG19.** Provide a minimum of sixteen (16) car parking spaces including a minimum of one (1) person with disability (PWD) car parking spaces, plus set down area, generally in accordance with Alex Enborisoff Dwg No. 3352A.DA.06 G.
- ENG20.** The carpark aisle width shall be increased to 7.2m wide. To accommodate this width, the landscaping on the southern boundary of the carpark can be removed.
- ENG21.** Design & construct all PWD car parking spaces in accordance with AS2890.6.

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- ENG22.** Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping, fencing, or pedestrian areas.
- ENG23.** Line mark or otherwise delineate the car park aisles and driveways within the development with directional arrows on the pavement to enable all vehicles to enter and leave the site in a forward gear.
- ENG24.** Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.
- ENG25.** Provide longitudinal gradient and crossfall for all driveways to comply with the requirements of AS2890.1.

**Vehicle Access**

- ENG26.** Construct crossovers (entry and exit) between the property boundary and the edge of the Mirage Avenue and Oasis Drive pavement, with the entry having a minimum width of 6.5 metres, and exit having a minimum width of 3.5 metres, generally in accordance with Council's Standard Drawing SBRC 00048.
- ENG27.** 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 (eg power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).

**Pedestrian Footpath/Shared Footpath**

- ENG28.** Construct a 1.5 metre wide footpath, including pedestrian ramps, for the full frontage of the site in accordance with IPWEA Standard Drawing No. RS-065, Revision F.

**Roadworks and Pedestrian Safety**

- ENG29.** Install signage for all works on or near roadways in accordance with the Manual for Uniform Traffic Control Devices – Part 3, Works on Roads.
- ENG30.** 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.
- ENG31.** Maintain safe pedestrian access along Council's footpaths at all times.

**Electricity and Telecommunication**

- ENG32.** Connect the development to electricity and telecommunication services.

**Earthworks - General**

- ENG33.** Undertake earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.

**Erosion and Sediment Control - General**

- ENG34.** 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.
- ENG35.** 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.

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**Standard Advice**

- ADV1** Section 85(1)(a) of the *Planning Act 2016* provides that, if this approval is not acted upon within a period of six (6) years, the approval will lapse.
- ADV2** The general environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance cause by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the premises during all stages of the development, including earthworks, construction and operation.
- ADV3** All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the "cultural heritage duty of care"). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsima.qld.gov.au](http://www.datsima.qld.gov.au)
- ADV4** 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.

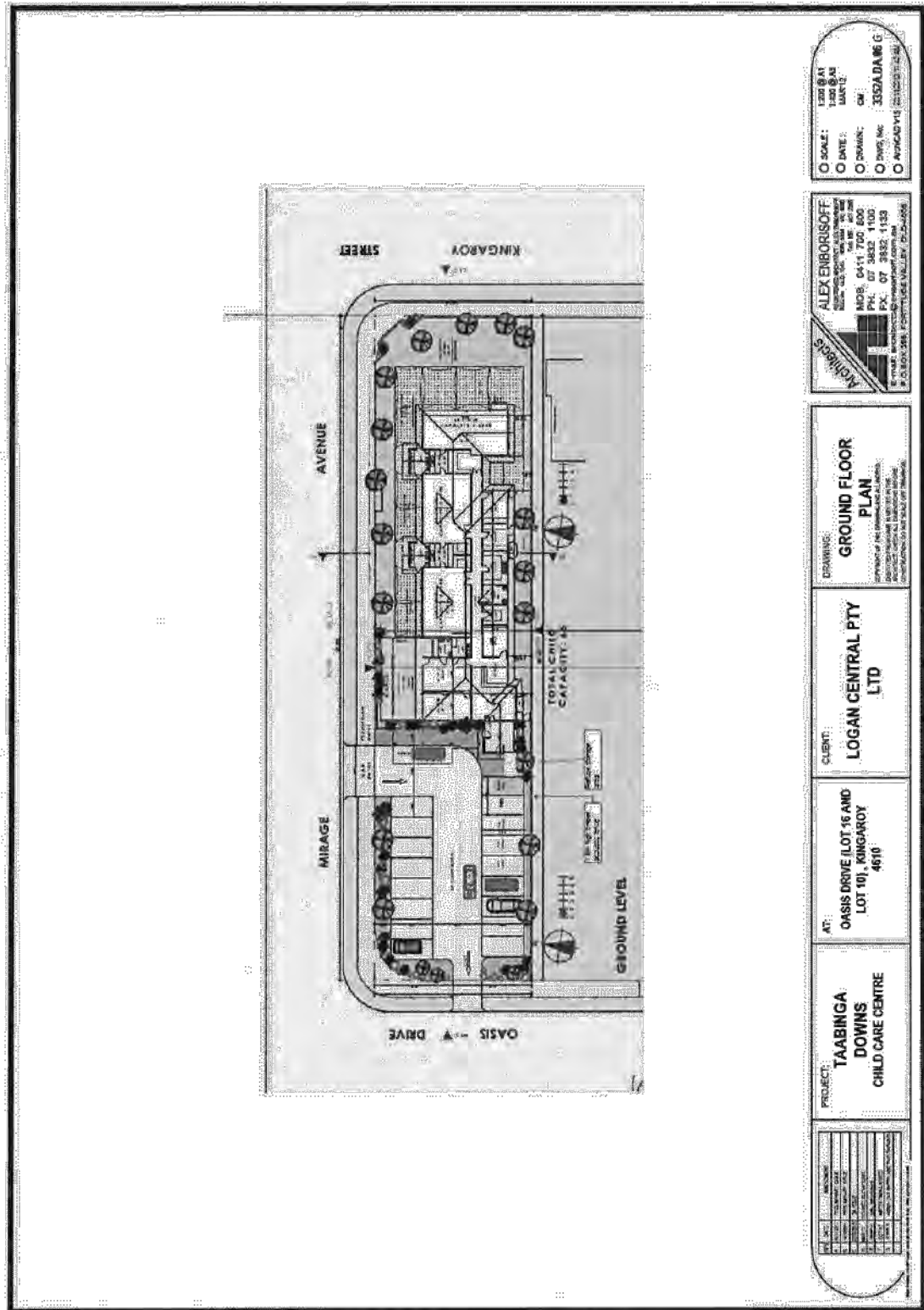
**ASSET MANAGEMENT IMPLICATIONS**

No implication can be identified.

Approved by Delegated Authority:

Date: 3 November 2020

PROPOSAL PLAN



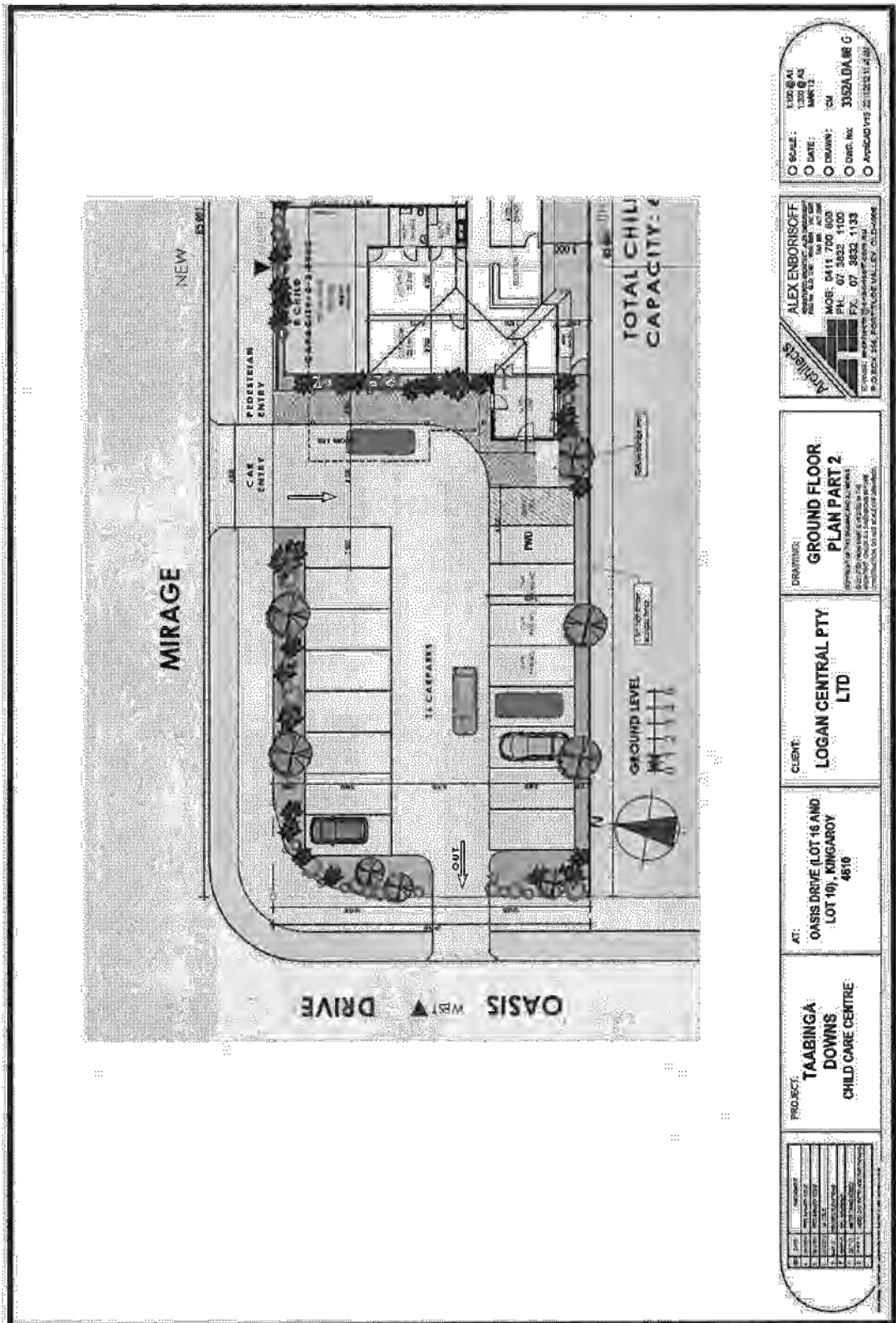




Approved by Delegated Authority



Date: 3 November 2020



SCALE: 1:100 @ A4  
 DATE: 13/09/20  
 DRAWN: MMT  
 CHECK: JCM  
 CLIENT: 3032/DA/RR C  
 APPROVAL: 20/10/2020

**ALEX ENBORISOFF**  
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DRAWING:  
**GROUND FLOOR  
 PLAN PART 2**  
Approved by this Council on 13/11/2020  
 under the provisions of the Local Government Act 1995  
 and the Local Government (Miscellaneous Provisions) Act 1995

CLIENT:  
**LOGAN CENTRAL PTY  
 LTD**

AT:  
**OASIS DRIVE (LOT 16 AND  
 LOT 19), KINGARROY  
 4816**

PROJECT:  
**TAABINGA  
 DOWNS  
 CHILD CARE CENTRE**

NO.	REVISION	DATE	BY	CHKD BY
1	ISSUED FOR PERMIT	13/09/20	MMT	JCM
2	ISSUED FOR PERMIT	13/09/20	MMT	JCM
3	ISSUED FOR PERMIT	13/09/20	MMT	JCM
4	ISSUED FOR PERMIT	13/09/20	MMT	JCM
5	ISSUED FOR PERMIT	13/09/20	MMT	JCM
6	ISSUED FOR PERMIT	13/09/20	MMT	JCM
7	ISSUED FOR PERMIT	13/09/20	MMT	JCM
8	ISSUED FOR PERMIT	13/09/20	MMT	JCM
9	ISSUED FOR PERMIT	13/09/20	MMT	JCM
10	ISSUED FOR PERMIT	13/09/20	MMT	JCM

Approved by Delegated Authority:

*A*

Date: 3 November 2020

**NORTH ELEVATION (MIRAGE AVE)**

**SOUTH ELEVATION (REAR)**

**EAST ELEVATION (KINGAROY ST)**

**WEST ELEVATION (OASIS DR)**

DATE	11/03/20
SCALE	1:100
PROJECT	TAABINGA DOWNS CHILD CARE CENTRE
CLIENT	LOGAN CENTRAL PTY LTD
AT	OASIS DRIVE (LOT 16 AND LOT 19), KINGAROY 4610
PROJECT	TAABINGA DOWNS CHILD CARE CENTRE

**ARCHITECT**  
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www.enborisoff-architects.com.au  
P.O. BOX 358, LORRYVILLE VALLEY QLD 4084

**DATE** 11/03/20  
**SCALE** 1:100  
**PROJECT** TAABINGA DOWNS CHILD CARE CENTRE  
**CLIENT** LOGAN CENTRAL PTY LTD  
**AT** OASIS DRIVE (LOT 16 AND LOT 19), KINGAROY 4610  
**PROJECT** TAABINGA DOWNS CHILD CARE CENTRE

**DATE** 11/03/20  
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**CLIENT** LOGAN CENTRAL PTY LTD  
**AT** OASIS DRIVE (LOT 16 AND LOT 19), KINGAROY 4610  
**PROJECT** TAABINGA DOWNS CHILD CARE CENTRE

**DATE** 11/03/20  
**SCALE** 1:100  
**PROJECT** TAABINGA DOWNS CHILD CARE CENTRE  
**CLIENT** LOGAN CENTRAL PTY LTD  
**AT** OASIS DRIVE (LOT 16 AND LOT 19), KINGAROY 4610  
**PROJECT** TAABINGA DOWNS CHILD CARE CENTRE

Approved by Delegated Authority:



Date: 3 November 2020

**Report**

**Applicant:** TD Childcare Pty Ltd c/- The Planning Place  
**Owner:** TD Childcare Pty Ltd  
**Property Address:** 25 Kingaroy Street & 27 Oasis Drive, Kingaroy  
**Real Property Description:** Lots 10 & 16 on SP204673  
**Approvals Sought:** Development Permit for a Material Change of Use for 'Child Care Centre'

**Proposal Description:****Planning Scheme:** South Burnett Regional Council Planning Scheme Version 1.3**Planning Scheme Zone:** Low Density Residential Zone**Assessment Benchmarks:** Taabinga Downs Structure Plan (Kingaroy Shire Council IPA Planning Scheme 2006)**Area of Land:** 1,682m<sup>2</sup> (Lot 10 - 891m<sup>2</sup>, Lot 16 - 791m<sup>2</sup>)**Existing Land Use:** Vacant

**Surrounding Land Uses:** North – Residential / Commercial  
 East – Taabinga State School  
 South – Residential  
 West – Residential

**Services:** Water, electricity and telecommunications are available. Site is connected to town water and sewerage.**Access:** Entry to childcare centre is proposed via Mirage Avenue and egress is via Oasis Drive.**Topography:** Relatively flat**Application Deemed Properly Made:** 22 July 2020**Confirmation Notice Issued:** Not Applicable**Information Request Issued:** 17 August 2020**Information Response Received:** 30 September 2020**Further Issues Issued:** Nil**Response to Further Issues:** Nil**Referrals Required/Received:** Nil**Referral Agency Response:** Nil

Approved by Delegated Authority:



Date: 3 November 2020

<b>Application Process:</b>	Code Assessment
<b>Public Notification:</b>	Not Applicable
<b>Properly Made Submissions:</b>	Not Applicable
<b>Public Notice Compliance:</b>	Not Applicable

Approved by Delegated Authority:



Date: 3 November 2020

**1.0 EXECUTIVE SUMMARY**

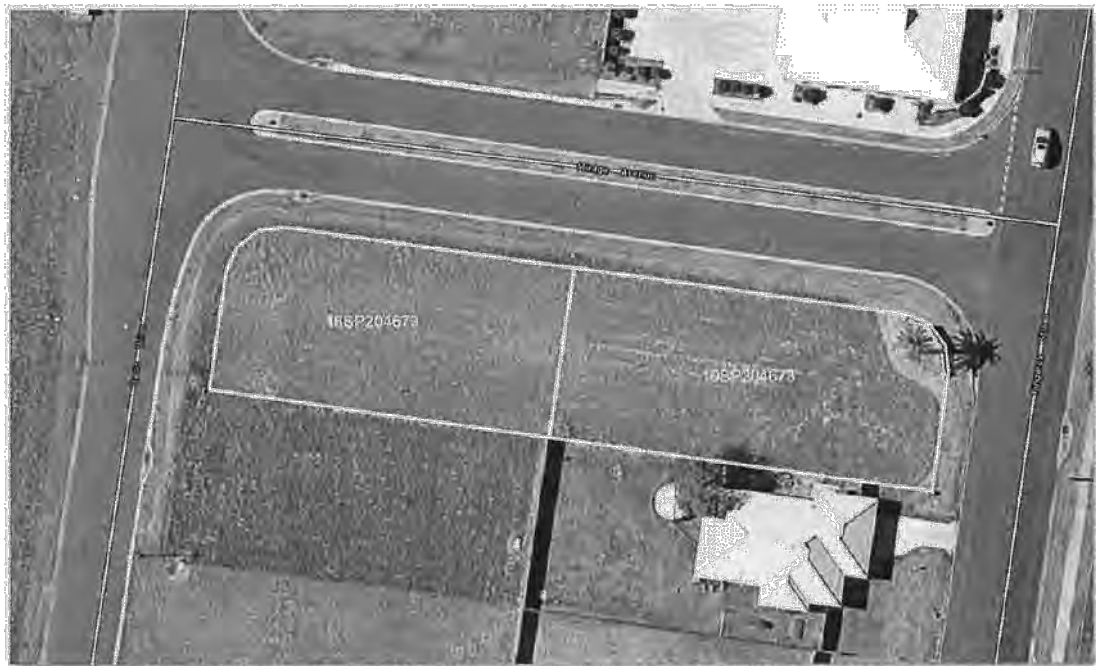
This report carries out an independent town planning assessment of the proposed development. The Applicant, TD Childcare Pty Ltd, seeks a Development Approval for a Material Change of Use for Child Care Centre over land described as Lots 10 and 16 on SP204673 and situated at 25 Kingaroy Street and 27 Oasis Drive, Kingaroy.

**2.0 SITE AND LOCALITY**

**2.1 Site Description**

The subject site is formally described as Lots 10 and 16 on SP204673. Any reference to 'subject site' is a reference to both lots. The lots have a combined area of 1,682m<sup>2</sup> and both are regular in shape. The sites are both currently vacant.

The site is bordered at the west by Oasis Drive, at the north by Mirage Avenue, to the east by Kingaroy Street, and to the south by vacant residential land and a single dwelling house.



**FIGURE 1 – Aerial of Subject Site (Source: Queensland Globe, 2020)**

**2.2 Surrounding Land Uses**

The subject site is situated in the locality of Kingaroy. The surrounding area comprises predominantly residential and vacant, residential zoned land. Taabinga State School is located directly east of the site, with residential uses to the north and south, vacant land found to the north, south, and west, and one commercial building situated to the north of the site.

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### 3.0 PROPOSAL OVERVIEW

The Applicant seeks a Development Approval for a Material Change of Use for Child Care Centre.

#### 3.1 Development History

The relevant development history is as follows:

- On 23 March 2013, Council approved an application seeking the development of a childcare centre over the site (Council Ref IR1140809).
- On 11 April 2014, Council approved a Combined Application (Application No: **IR 1335376**) for Preliminary Approval Overriding the Planning Scheme, that approved a master plan over the land.
- On 24 September 2014, Council issued a Negotiated Decision Notice dated 26 September 2014 (Application No: **IR1309880**), regarding the development approval.
- On 5 October 2018, Council issued the Approved Taabinga Downs Structure Plan (Drawing No. 1118-DA021D dated 28.09.2018) as per Condition GEN1 of the Negotiated Decision Notice (IR1309880).
- On 28 September 2018, Council approved an extension to the currency period for the existing approval (Application No: **MCU18/012**) for an additional 6 years, until 26 September 2024.
- On 28 August 2019, Council approved a Minor Change to the existing Preliminary Approval overriding the planning scheme (Application No: **MCU19/00006**).

This application seeks to reinstate the approval granted in 2013.

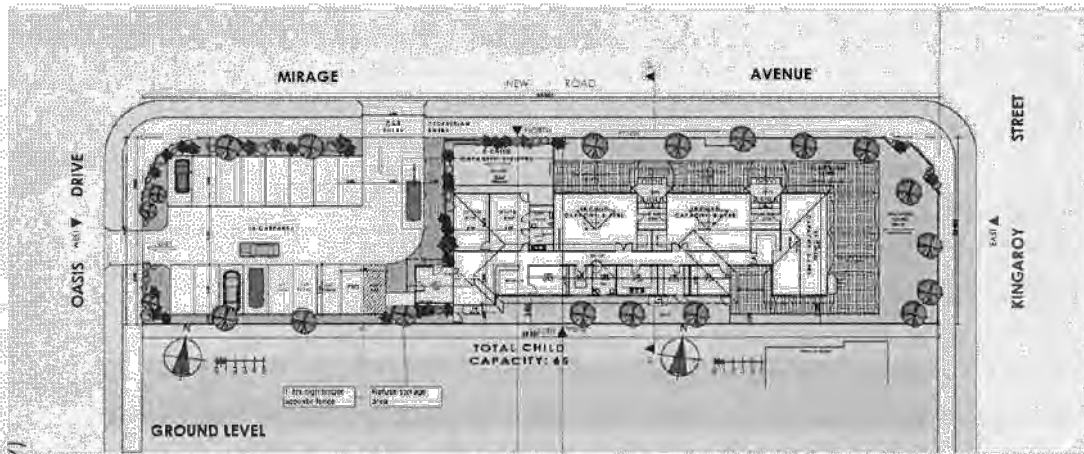
#### 3.2 Proposed Development

The development application seeks approval for the establishment of a Child Care Centre over the subject site.

The proposed Child Care Centre has capacity for up to 65 children. The building is proposed to include four main activity rooms, one of which will cater to children between the ages of 0 and 2.5 years, while the other three care rooms will cater for children aged 3 to 6 years.

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**FIGURE 2** – Proposed Ground Floor Plan, provided as part of information response (Source: Ground Floor Plan Part 1, 22/11/2012, Alex Enborisoff Architects)

**Parking and Access**

Access to the Child Care Centre is proposed via Mirage Avenue and egress will be via Oasis Drive. The internal driveway is one-way through the carpark at the western portion of the subject site.

A total number of 16 car parking spaces, including 1 PWD space, are to be provided. A set-down area is provided for at the main entrance to the building. This area can also accommodate an emergency vehicle standing area.

**Refuse**

The Applicant has demonstrated the refuse storage at the entrance to the centre, adjacent the PWD space.

**Landscaping**

The proposed plans demonstrate the provision of adequate landscaping along the perimeter of the site, including the car park. A 1.8 metre high acoustic fence is proposed along the southern boundary to reduce acoustic impacts on the adjoining residential properties.

**4.0 TOWN PLANNING CONTEXT**

Tables 1 and 2 provide an overview of the current town planning framework relevant to the subject site. Table 3 addresses the planning framework which is applicable to the proposed development.

<b>TABLE 1 – State Planning Instruments (Current)</b>	
Regional Plan	Wide Bay Burnett Regional Plan 2011 (the Regional Plan)
State Planning Policy	State Planning Policy (July 2017) (the SPP)
SARA DA Mapping	Water Resources - Water resource planning area boundaries
Referrals	N/A
Assessment Benchmarks	N/A

<b>TABLE 2 – Local Planning Context (Current)</b>	
Planning Scheme	South Burnett Regional Council Planning Scheme Version 1.3

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Strategic Framework Designation	Urban
Zone	Low Density Residential Zone
Overlays	<ul style="list-style-type: none"> <li>• Airport Environs Overlay</li> <li>• Flood Hazard Overlay</li> <li>• Agricultural Land Overlay</li> </ul>
Defined Use	Child care Centre
Level of Assessment	Impact Assessment
Assessment Benchmarks	The Planning Scheme

**Consistency with Current Planning Framework**

The proposed development is consistent with the Purpose of the Low Density Residential Zone as it provides a community use. Further, the use maintains a high level of residential amenity, supports day to day needs of the residents and does not undermine the viability of any commercial centres or the centres hierarchy of the planning scheme.

The relevant overlays do not preclude the development of the site for a Child Care Centre. The Flood Overlay is applicable, however earthworks that have occurred across the site ensure the ground level is higher than surrounding road levels. The flood hazard is considered able to be appropriately managed.

Planning Scheme	<i>Kingaroy Shire Planning Scheme 2006</i>
Zone	Residential Zone
Precinct	Multi-Purpose Precinct
Defined Use	Child Care Centre
Level of Assessment	Code Assessment
Assessment Benchmarks	<ul style="list-style-type: none"> <li>• Urban Locality Code</li> <li>• Taabinga Downs Local Plan Code – Multi-purpose Precinct</li> <li>• Child Care Centres Code</li> </ul>

**5.0 PLANNING ASSESSMENT**

**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 reconfiguring a lot.

**5.1.2 Schedule 10 – Assessable Development**

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

**5.1.2 Schedule 10 – Referral Agencies**



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The application does not trigger referral under Schedule 10 of the Planning Regulation.

## 5.2 Other Matters for Code 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 27), namely:

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

In accordance with section 45 (3) of the Planning Act, code assessment is an assessment that must be carried out only –

- (a) against the **assessment benchmarks in a categorising instrument** for the development; and
- (b) having regard to **any matters prescribed by regulation** for this paragraph.

In this instance under **Section 43 (3)(c) of the Planning Act**, the categorising instrument for the development is Preliminary Approval IR1309880 under which the applicable assessment benchmarks are the Urban Locality Code, Taabinga Downs Local Plan Code, Child Care Centres 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 development.

## 5.3 Planning Scheme

### 5.3.1 Defined Use

The proposed **Child Care Centre** is defined, pursuant to the Kingaroy Shire Planning Scheme 2006, as:

*Premises operated on a commercial basis for the minding or care, but not residence, of children. The term includes a crèche, nursery, school or kindergarten.*

The definition appropriately captures the proposed use.

### 5.3.2 Assessment Benchmarks

Pursuant to under Section 4.0, Table 1 – Level of Assessment in the Taabinga Downs Estate Local Plan a Child Care Centre is subject to Code Assessment when located within the Multi-Purpose Precinct. The relevant assessment benchmarks are:

- Urban Locality Code
- Taabinga Downs Local Plan Code – Multi-purpose Precinct
- Childcare Centres Code

### Urban Locality Code – Residential Zone

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At the time of the preliminary approval, the subject site was situated in the Residential Zone of the Planning Scheme. Accordingly, the relevant provisions of the Urban Locality Code – Residential Zone only have been addressed.

The purpose of the Residential Zone Code is to ensure that development is located, designed and operated so residential development is responsive to community needs for affordable, quality housing that provides for a mix of accommodation types. The proposal for the material change of use for 'Childcare centre' is appropriate for the zone as it is a preferred use in the Urban Locality.

The following table sets out an assessment of the proposal against the overall outcomes for the Residential Zone Code.

**Table 6.2.13.3 Criteria for assessment**

Specific Outcomes	Probable Solutions	Assessment of Proposed Development
<b>(a) Land use and development</b>		
<b>(i) Consistent uses</b>		
<p><b>O1</b> Uses are consistent and preferred for development in the Urban Locality, except if:</p> <ul style="list-style-type: none"> <li>(a) listed in O2 as an inconsistent use; or</li> <li>(b) conflicting with this Code.</li> </ul>	No probable solutions prescribed.	<p><b>O1</b> <b>Complies.</b> The proposed use of a childcare centre is a preferred use in the Urban Locality.</p>
<b>(ii) Inconsistent uses</b>		
<p><b>O2</b> The following uses or use classes conflict with this Code:</p> <ul style="list-style-type: none"> <li>(a) In the Residential zone and in the Community Expansion zone:                             <ul style="list-style-type: none"> <li>(i) Residential uses for:                                     <ul style="list-style-type: none"> <li>(A) a Caravan park (except in the Residential B preferred land use area and in the Community Expansion zone);</li> <li>(B) more than two (2) Dwelling houses on a lot, or</li> <li>(C) a Dwelling house and a Caretakers residence on the same site.</li> </ul> </li> <li>(ii) Commercial uses in the Residential zone for a:                                     <ul style="list-style-type: none"> <li>(A) Brothel,</li> <li>(B) Car park,</li> <li>(C) Funeral parlour,</li> <li>(D) Garden centre,</li> <li>(E) Hotel,</li> <li>(F) Major tourist facility,</li> <li>(G) Market,</li> <li>(H) Medical centre,</li> <li>(I) Office,</li> <li>(J) Produce store,</li> <li>(K) Restaurant and/or Takeaway food store,</li> <li>(L) Retail warehouse,</li> <li>(M) Sales or hire premises,</li> </ul> </li> </ul> </li> </ul>	No probable solutions prescribed.	<p><b>O2</b> <b>Complies.</b> The proposed use of a childcare centre is not in conflict with the code.</p>

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Specific Outcomes	Probable Solutions	Assessment of Proposed Development
<p>(N) Shop (other than where under 50 m<sup>2</sup> in gross floor area), or</p> <p>(iii) (O) Vet clinic. In the Community Expansion zone, all Commercial uses except for a: (A) Garden centre, (B) Small-scale tourist facility, or (C) Shop (under 50m<sup>2</sup> in gross floor area).</p> <p>(iv) all Industrial uses in the Residential zone.</p> <p>(v) Industrial uses in the Community Expansion zone except for a: (A) Borrow pit (small scale), (B) Landscape supplies, or (C) Light industry.</p> <p>(vi) Community uses comprising Major utilities unless if: (A) for premises listed in Schedule 5, Division 1 for not more than a 10% increase in gross floor area calculated from the commencement day; or (B) by a public sector entity in an existing building on land under Council's control in the following circumstances: 1. for not more than a 10% increase in gross floor area calculated from the commencement day, 2. in the Residential zone outside the IHS footprint for the Kingaroy airport shown on SMOA map</p>		

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Date: 3 November 2020

Specific Outcomes	Probable Solutions	Assessment of Proposed Development
<p>2E(i) or the SMOA shown on SMOA map 2D(i) or 2F,</p> <p>3. in the Community Expansion zone – outside the SMOA shown on SMOA map 2D(i), or</p> <p>4. not involving flood lighting.</p> <p>(vii) Rural uses in the Residential zone except for:</p> <p>(A) Animal keeping (aviary), or</p> <p>(B) Farming (animal husbandry for apiary).</p> <p>(viii) Rural uses in the Community Expansion zone for:</p> <p>(A) Animal keeping for a kennel, cattery, animal pound/refuge or holding facility or 4 or more dogs,</p> <p>(B) Farming for animal husbandry except for free ranging of livestock not exceeding 1/ha, stabling of hoofed animals not exceeding 2/ha or for an apiary,</p> <p>(C) Farming for agriculture or wholesale nursery except if on a lot over 5ha and not involving on-farm processing, a roadside stall or an irrigation service,</p> <p>(D) Forestry business on a lot less than 1ha,</p> <p>(E) Intensive animal husbandry except for stables, or</p> <p>(F) Rural service industry.</p> <p>(ix) Recreational uses comprising Indoor entertainment in the</p>		

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Date: 3 November 2020

Specific Outcomes	Probable Solutions	Assessment of Proposed Development
<p>Residential A preferred land use area and in the Community Expansion zone.</p> <p>Note: (b) to (d) are not included as the specific outcomes are not relevant to the residential zone.</p>		
<p><b>(b) Density and design for reconfiguring</b> Reconfiguring a lot in the <b>Locality (O3-O7)</b></p>		<p>Not applicable. No reconfiguring of lots is proposed to take place as part of the development.</p>
<p><b>Inconsistent reconfiguring a lot (O8)</b></p>		<p>Not applicable. No reconfiguring of lots is proposed to take place as part of the development.</p>
<p><b>(c) Character and amenity</b> <b>(i) Amenity</b></p>		

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Specific Outcomes	Probable Solutions	Assessment of Proposed Development
<p><b>O9</b> Uses and associated works are located, designed and operated to minimize adverse effects on the following:</p> <ul style="list-style-type: none"> <li>(a) the existing quality of air, water, soil and acoustic and visual environments characterizing the local area,</li> <li>(b) the privacy and amenity of the occupants of adjacent properties and public spaces,</li> <li>(c) the wellbeing and safety of people using the premises and of people, animals and property at adjacent premises and other nearby sensitive receptors, and the effective operations of adjacent activities, Major utilities, trafficked roads and stock routes.</li> </ul>	<p><b>S9.1</b> Uses and associated works: for the following non-residential uses, are separated from the property boundary of a sensitive receptor by at least:</p> <ul style="list-style-type: none"> <li>(a) for a Commercial use, Recreational use or for an industrial use other than specified below – 10 metres, or</li> <li>(b) for a Rural service industry, General industry or a Major utility – 25 metres, and</li> <li>(c) for circumstances specified in (a), are screened from view from any adjacent sensitive receptor by landscape planting of at least 2 metres deep to the relevant property boundaries,</li> <li>(d) for other uses screened from view from adjacent residential uses by landscape planning of at least 1 metre deep to the relevant property boundaries, and are buffered from the adjacent sensitive receptor by solid screen fencing of a height of not less than 1.8 metres on any common boundary/s.</li> </ul> <p><b>S9.2</b> Residential uses are buffered along common boundaries with land:</p> <ul style="list-style-type: none"> <li>(a) included in the Rural Locality,</li> <li>(b) fronting sub-arterial or higher order roads or any stock route</li> <li>(c) included in the Industrial zone, or used for commercial or industrial uses,</li> </ul> <p>by landscaping planting at least 2 metres deep.</p>	<p><b>S9.1</b> <b>Complies.</b> The proposed development is sited, designed and will ensure that operations will reduce potential impacts to adjoining properties including for safety, privacy, noise, odour, air quality or visual or character amenity.</p> <p>The proposed development includes a 1.8m high acoustic fence along the southern boundary, to reduce acoustic impacts on the adjoining residential property.</p> <p>A setback of 3.0 metres is proposed for a substantial length of the proposed building from the southern boundary, which allows for sufficient depth of planting.</p> <p>The section of the centre which includes the outdoor play area cannot be landscaped along the boundary, and the acoustic fence will provide the visual and acoustic separation at this point.</p> <p><b>S9.2</b> <b>Not Applicable.</b> The proposed use is not residential.</p>

Approved by Delegated Authority



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Specific Outcomes	Probable Solutions	Assessment of Proposed Development
<p><b>O10</b> Uses and associated works are located, designed and operated to integrate with local streetscape characterizing roads and public spaces.</p>	<p><b>S10.1</b> Development is laid out to be screened from view from any abutting road frontage or a public space by landscape planting at least 1 metre deep to relevant property boundaries.</p>	<p><b>S10.1 Complies.</b> Landscaping around the car parking area is a minimum of 2.0m in width. The remaining frontage is to be fenced, for child safety, and will be appropriately landscaped as a play area and for screening.</p>

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<p><b>O11</b> Uses and associated works are located and designed, and of a type, finish and scale so:</p> <p>(a) Throughout the Urban Locality:</p> <p>(i) the scale and character of the surrounding well-established built form, streetscape and civic spaces is maintained or complemented,</p> <p>(ii) the qualities of places with architectural, cultural, historical or streetscape/ landscape values are protected,</p> <p>(iii) overshadowing or overlooking of adjoining residential properties or impacts on natural lighting and ventilation or privacy within and surrounding the site is minimized to an acceptable level,</p> <p>(iv) noise attenuation devices are compatible with the setting,</p> <p>(v) materials and finishes visible from roads and adjoining residences are not excessively contrasting or reflective, and</p> <p>(vi) adequate screening of materials stored outdoors when viewed from adjacent premises and public spaces is maintained.</p> <p>(b) Additionally, in the Residential zone and Community Expansion zone:</p> <p>(i) the low-density residential character of the surrounds is maintained.</p>	<p><b>S11.1</b> <b>Height:</b> Buildings or structures, other than for a Community Use Class, are not higher than the following measured above ground level:</p> <p>(a) <b>In the Residential or Community Expansion zone</b> – 8.5 metres.</p> <p><b>S11.2</b> <b>Setbacks:</b> As specified for a use in the applicable use code in Part 4, Division 2 or:</p> <p>(a) In the Residential zone or Community Expansion zone: Uses and associated works are located the following from the property boundary:</p> <p>(i) 6 metres from any trafficable road including any stock route, and</p> <p>(ii) 1.5 metres from any other boundary.</p> <p><b>S11.3</b> <b>Building Scale:</b> (a) <b>In the Residential zone or Community Expansion zone:</b></p> <p>(i) Buildings have an unarticulated wall length not exceeding 15 metres.</p> <p><b>S11.4</b> <b>Site Cover:</b> (a) <b>In the Residential zone or Community Expansion zone:</b></p> <p>(i) The maximum site cover is:</p> <p>(A) Residential uses 50% except where on a lot under 600m<sup>2</sup> in area when the site cover does not exceed 60%,</p> <p>(B) Industrial or Commercial uses – 60%; or</p> <p>(C) For other uses – 40%.</p> <p><b>S11.5</b> <b>On-Site Storage:</b></p>	<p><b>S11.1</b> <b>Complies.</b> The proposed childcare centre will be 1 storey and is less than 8.5m in height.</p> <p><b>S11.2</b> <b>Complies.</b> The proposed development achieves a minimum set back of 6.0 metres to the road frontages and a minimum of 2.0 metres to the southern boundary.</p> <p><b>S11.3</b> <b>Complies.</b> The proposed childcare centre does not have an articulated wall length of over 15 metres.</p> <p><b>S11.4</b> <b>Complies.</b> The proposed site cover is compliant. An appropriate balance between open space and building is provided on the site.</p> <p><b>S11.5</b> <b>Complies.</b> No on-site storage will face any road frontage.</p> <p><b>S11.6</b> <b>Not Applicable.</b> The site is not in the Business and Commercial Zone. Notwithstanding, appropriate pedestrian shelter is to be provided to the childcare centre.</p>
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Specific Outcomes	Probable Solutions	Assessment of Proposed Development
	<p>Any on site storage that faces a road frontage, park or Residential zoned land is screened by a 1.8-metre-high fence around the full perimeter.</p> <p><b>S11.6</b> Pedestrian Shelter: (a) In the Business and Commercial zone: (i) Buildings adjacent to streets, roads, public thoroughfares and civic spaces are designed and located to provide continuous shelter for pedestrian movement through verandas, balconies, colonnades, awnings, covered pergolas or arcades complying with the following: (A) minimum width of 3.2 metres or otherwise replicating the width for adjoining buildings, but not more than 600mm off the kerb, and (B) head height clearance of 3.0 to 4.2 metres above pavement height.</p>	
<b>(iii) Landscaping</b>		
<p><b>O12</b> Landscaping of urban spaces is designed and located to:</p> <ul style="list-style-type: none"> <li>(a) integrate with established streetscape and landscape,</li> <li>(b) protect the visual and landscape quality of the major roads, landmarks and entry points,</li> <li>(c) integrate with the pedestrian and cycle movement system to maximise comfort and safety,</li> <li>(d) ensure vehicular and pedestrian sight lines are protected,</li> <li>(e) protect overhead and underground services,</li> <li>(f) integrate with site topography, soils and natural drainage systems,</li> <li>(g) protect and enhance areas with ecological, scenic, aesthetic and cultural heritage value,</li> <li>(h) be easily and readily maintained, optimising the efficient use of water through planting of endemic species that minimise maintenance costs, and</li> <li>(i) offer effective screening and buffering of incompatible activities:</li> </ul>	<p>No probable solutions prescribed.</p>	<p><b>O12</b> <b>Complies.</b> Suitable landscaping will be provided along the frontages. Low landscaping will be used at vehicle entry and exit points to ensure adequate sightlines and safety is maintained.</p>

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Specific Outcomes	Probable Solutions	Assessment of Proposed Development
<ul style="list-style-type: none"> <li>(i) from view from roads and other public open spaces, and</li> <li>(ii) from view and audibility regarding sensitive receptors, or</li> <li>(j) additionally, in the Business and Commercial zone, landscaping is designed and located to:                             <ul style="list-style-type: none"> <li>(i) offer functional, comfortable, safe and attractive places in all weather conditions, and</li> <li>(ii) complement the scale and composition of the subtropical, country town commercial architecture of the zone.</li> </ul> </li> </ul>		
<b>(iv) Floodlighting</b>		
<p><b>O13</b> Light spill associated with flood lighting installed on premises is minimised to an acceptable level having regard to:</p> <ul style="list-style-type: none"> <li>(a) potential nuisance to adjoining premises and safety for road users and aircraft operation, and</li> <li>(b) ambient levels of light in the locale.</li> </ul>	No probable solutions prescribed.	<p><b>O13</b> <b>Complies.</b> Adequate lighting will be provided to ensure visibility, while not creating a potential nuisance to adjoining properties or road users.</p>
<b>(v) Fences and walls</b>		
<p><b>O14</b> Fences and walls are consistent with the outcomes for the Urban Locality if they:</p> <ul style="list-style-type: none"> <li>(a) complement established streetscape, built and landscape form,</li> <li>(b) maintain local character, amenity, privacy and environment, and</li> <li>(c) assist with noise attenuation, visual screening and public safety.</li> </ul> <p><b>OR</b> Fences and walls are inconsistent with the outcomes sought for the Urban Locality if located forward of the building line and over 2 metres in height in all but the Industry zone.</p>	<p><b>S14.1</b> The maximum height of any fence or wall does not exceed:</p> <ul style="list-style-type: none"> <li>(a) for front fences and walls:                             <ul style="list-style-type: none"> <li>(i) 1.2 metres if of solid construction, or</li> <li>(ii) up to 1.5 metres if gaps permit 50% transparency, or</li> </ul> </li> <li>(b) for side and rear boundary fencing – 1.8 metres, and Fences or walls over 1.2 metres in height are tapered to 1.2 metres in height over a length of 4 metres toward any road frontage.</li> </ul>	<p><b>S14.1</b> <b>Complies.</b> Proposed boundary fencing will comply with the applicable requirements.</p>
<b>(vi) Advertisement Devices</b>		
<p><b>O15</b> Advertisement devices are consistent with the outcomes sought for the Urban Locality if:</p> <ul style="list-style-type: none"> <li>(a) compatible with the:                             <ul style="list-style-type: none"> <li>(i) character of the predominant built form, streetscape and landscaping on the site</li> </ul> </li> </ul>	No probable solutions prescribed.	<p><b>N/A.</b> No advertising devices are proposed for the site at this time.</p>

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Specific Outcomes	Probable Solutions	Assessment of Proposed Development
<p>and adjacent properties, and</p> <p>(ii) amenity of the local area; and</p> <p>(b) located and designed so:</p> <p>(i) as not to create a hazard to people and vehicles,</p> <p>(ii) materials and styles complement those in buildings on-site,</p> <p>(iii) as to integrate with the design, scale and proportions of buildings, works and landscaping on the site,</p> <p>(iv) a proliferation of signage and associated visual and physical clutter is minimised, and</p> <p>(v) the use of roof advertising panels and above awning signs is avoided.</p> <p><b>OR</b> Advertisement devices are inconsistent with the outcomes sought for the Urban Locality if in the:</p> <p>(a) Residential zone; or</p> <p>(b) Community Expansion zone for an off premises sign.</p>		
<p><b>(vii) Public safety and security in the Business and Commercial, Industrial or Parks and Open Space zone</b></p>		<p><b>Not Applicable. The site is not located in any of the listed zones.</b></p>
<p><b>(d) Land and water resource management</b></p>		
<p><b>O17</b> Development is located, designed and constructed to function effectively in a manner that minimises disturbance to the geotechnical, physical, hydrological, and environmental characteristics of the site and its setting, including:</p> <p>(a) related to degradation of the environmental values of both land and water resources and receiving environments,</p> <p>(b) significant remnant native vegetation important to land stability, salinity and erosion land management as well as to landscape, biodiversity, riparian and habitat management,</p> <p>(c) hydrological processes of flood plains and drainage systems,</p> <p>(d) ecological values of waterways and drainage features,</p> <p>(e) the propensity for any natural hazard related to flooding.</p>	<p><b>S17.1</b> Uses and associated works are confined to:</p> <p>(a) free draining areas with a cross fall of at least 0.51%,</p> <p>(b) slopes not exceeding</p> <p>(i) for Residential uses or a Small-scale tourist facility – 15%,</p> <p>(ii) for associated works including driveways 20%, or</p> <p>(iii) for all other circumstances not specified for a use in any applicable use code in Part 4, Division 2 10%.</p> <p>(c) for storage areas, vehicle movement areas, essential infrastructure, and buildings and structures, they are</p>	<p><b>S17.1</b> <b>Complies.</b> The proposed development has been conditioned appropriately to manage and minimise disturbance caused by stormwater and run off.</p>

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Specific Outcomes	Probable Solutions	Assessment of Proposed Development
<p>landslip and bushfire to adversely affect people, property, economic activity and the environment,</p> <p>(f) soil conservation works,</p> <p>(g) quality and quantity of surface and ground water resources, and</p> <p>(h) landscape character.</p>	<p>located at ground level to be at least:</p> <p>(i) for habitable buildings:</p> <p>(A) above land inundated by the 1% Annual Exceedance Probability (EAP) flood event where known, or</p> <p>(B) 300mm above the highest known flood, for Major utilities or Special uses – above land inundated by the 0.5% Annual Exceedance Probability (AEP) flood event, or</p> <p>(C) for other uses and works – 100mm above the highest known flood event;</p> <p>(d) areas outside stormwater discharge points, overland flow paths, watercourses and natural drainage features, and</p> <p>(e) existing cleared lands or otherwise areas not supporting significant remnant native vegetation.</p> <p><b>S17.2</b></p> <p>Areas for storage, handling, packaging or processing are set back to water resources in accordance with Table S17.2 at the end of this Code unless otherwise specified for a use in any applicable use code in Part 4, Division 2.</p> <p>[NOTE: This set back requirement applies to watercourses located on both the premises and adjoining premises]</p>	
<b>(e) Vehicular parking, access and movement</b>		
<p><b>O18</b></p> <p>Vehicular parking, access and manoeuvring areas are provided, designed and constructed to:</p>	<p><b>S18.1</b></p> <p>(a) Vehicle parking and loading/unloading facilities are provided:</p>	<p><b>S18.1</b></p> <p><b>Complies.</b> The car parking proposed for the development is:</p>

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Specific Outcomes	Probable Solutions	Assessment of Proposed Development
<p>(a) integrate safely, attractively and functionally with the site layout and with the access arrangements of the site and adjoining premises,</p> <p>(b) integrate with the streetscape,</p> <p>(c) safely, conveniently and effectively service the use without impacting negatively on the:</p> <ul style="list-style-type: none"> <li>(i) amenity, character and safety of adjacent premises or stock routes,</li> <li>(ii) safety and efficiency of roads and footpaths providing access to the site, or</li> <li>(iii) intersection works or State-controlled roads servicing the site,</li> </ul> <p>(d) cater for the amount and type of traffic generated by the nature and scale of the use, including for safe and effective loading and unloading of goods and movement of pedestrians and cyclists,</p> <p>(e) allow ease of access by people with limited mobility (e.g. those in a wheelchair or walker, with prams, etc.),</p> <p>(f) provide for emergency vehicle access...</p> <p>Note: (g) (i) to (iii) is not applicable to the site as it is not located in the Business and Commercial or Industrial zones.</p>	<ul style="list-style-type: none"> <li>(i) for a use identified in Column 1 of Table S1.1 in Schedule 1 at the corresponding rate nominated in Column 2 and 3 of the Table, and</li> <li>(ii) in accordance with the design and construction standards detailed in Division 2 of Schedule 1.</li> </ul> <p>(b) Site ingress and egress:</p> <ul style="list-style-type: none"> <li>(i) comprise one (1) access point per created lot or development site,</li> <li>(ii) in the Residential or Community Expansion zone, for other than a Dwelling house proposed on an existing lot, results in no increase in the number of accesses or intersections entering sub-arterial or higher order roads,</li> <li>(iii) comprise a vehicular crossover located, designed and constructed in accordance with the standards nominated in Table S2.7 (a)(3) of Schedule 2,</li> <li>(iv) allows for forward entry and exit for vehicles associated with the premises, and</li> <li>(v) if adjoining a road intersection, result in the access having a setback of at least the distance for a use specified in any applicable use code in Part 4, Division 2 or:             <ul style="list-style-type: none"> <li>(A) 30 metres from an intersection with traffic lights or islands, or</li> </ul> </li> </ul>	<p>sufficient and on site vehicle has been assessed as appropriate. Specific conditions are included to ensure the design and operation of the car park is safe and efficient.</p>

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Specific Outcomes	Probable Solutions	Assessment of Proposed Development
	(B) 15 metres from an uncontrolled intersection	
<b>(f) Infrastructure</b>		
<p><b>O19</b></p> <p>(a) Water supply, sewerage, drainage, transport infrastructure, power, street lighting, waste management and communications are provided to meet the appropriate standards of service and construction at the least whole-of-life cost, including avoiding unnecessary duplication and being robust and fit for the purpose and intended period of operations and:</p> <ul style="list-style-type: none"> <li>(i) are integrated with the design, construction and operation of existing systems to facilitate:                             <ul style="list-style-type: none"> <li>(A) effective use of spare capacity in existing systems,</li> <li>(B) orderly and timely provision of future systems,</li> <li>(C) logical and coordinated development,</li> <li>(D) for transport infrastructure, functional, efficient, effective, safe, convenient and equitable access within the Locality, and</li> <li>(E) for stormwater, the approximation of or improvement upon conditions in existence regarding quality and quantity prior to the proposed development.</li> </ul> </li> <li>(b) Infrastructure does not result in:                             <ul style="list-style-type: none"> <li>(i) adverse effects on the area relative to:                                     <ul style="list-style-type: none"> <li>(A) ecological, environmental, hydrological values,</li> <li>(B) land resources, or</li> <li>(C) character.</li> </ul> </li> <li>(ii) adverse effects on the well-being, safety or</li> </ul> </li> </ul>	<p><b>S19.1</b></p> <p>(a) The road frontage of the development is constructed to:</p> <ul style="list-style-type: none"> <li>(i) the standard of service for reserve/carrageway width, drainage and footpaths in Table S2.3 or S2.4 of Schedule 2, and</li> <li>(ii) if (i) is not fulfilled, construction in accordance with standards in Table S2.6 of Schedule 2.</li> </ul> <p>(b) Development is connected between the property access point on the frontage of the premises and the nearest higher order road nominated on the Zone maps by a formed, constructed and gazetted public road to:</p> <ul style="list-style-type: none"> <li>(i) the standard of service specified for a use in the applicable use code in Part 4, Division 2, or</li> <li>(ii) for other development, the standards of service nominated in Table S2.3 and S2.4 of Schedule 2.</li> </ul> <p>(c) Water supply, sewerage and stormwater drainage is provided to the applicable standard of service and construction nominated for:</p> <ul style="list-style-type: none"> <li>(i) a use in the applicable use code in Part 4, Division 2, or</li> <li>(ii) other development, as specified in Divisions 3 and 4 of Schedule 2.</li> </ul> <p>(d) Premises are supplied with reticulated electricity/communications services.</p> <p>(e) An area is dedicated to the</p>	<p><b>O19</b></p> <p><b>Complies.</b> The site is currently serviced with all necessary urban services.</p>

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Specific Outcomes	Probable Solutions	Assessment of Proposed Development
<p>amenity enjoyed by the community of an area,</p> <ul style="list-style-type: none"> <li>(iii) risk or nuisance to any property or people,</li> <li>(iv) adverse effects on upstream or downstream systems,</li> <li>(v) unreasonable cumulative impacts on the water quality in surface and groundwater systems relative to their role for the community, or</li> <li>(vi) adverse changes in the volume, timing or quantity of stormwater discharged through or from the property.</li> </ul>	<p>collection and/or storage of solid waste on the premises which is:</p> <ul style="list-style-type: none"> <li>(i) level,</li> <li>(ii) provided with impervious hard stand and drained,</li> <li>(iii) if facing a road frontage, park or</li> <li>(iv) Residential zoned land, is screened by a 1.8 metre high fence around the full perimeter, and</li> <li>(v) banded if wastes are hazardous or dangerous.</li> </ul>	
<b>(g) Earthworks</b>		
<p><b>O20</b> Filling, draining, grading or excavation of land provides for compacted, finished levels which secure flood free, stable and free draining building and infrastructure sites appropriate to the intended use and minimising impacts to an acceptable level within and off the site regarding:</p> <ul style="list-style-type: none"> <li>(a) privacy and visual and community amenity;</li> <li>(b) environmental values in receiving environments,</li> <li>(c) flooding and drainage flow rates, volumes and natural flood storage capacity;</li> <li>(d) potential for point source discharge or concentration of flows;</li> <li>(e) land and foundation stability;</li> <li>(f) erosion or saline prone lands,</li> <li>(g) soil conservation works,</li> <li>(h) riparian lands,</li> <li>(i) site contamination on the site or through imported material,</li> <li>(j) life and property, and</li> <li>(k) public utilities.</li> </ul>	<p><b>S20.1</b> Filling, drainage, grading or excavation of land is undertaken so that:</p> <ul style="list-style-type: none"> <li>(a) land has a minimum slope of 0.25%;</li> <li>(b) land is free draining by gravitation into roads or other drainage networks,</li> <li>(c) cut or fill does not vary from the natural ground level by more than 200mm at the property boundary or by a batter of a minimum gradient of 1:4 to a point 4m inside the property boundary and does not exceed 2 metres over the natural ground level of any part of the site;</li> <li>(d) cut or fill over 200mm vertical height is set back at least 2 metres from:                         <ul style="list-style-type: none"> <li>(i) lands below the highest known flood level,</li> <li>(ii) land used for Local or Major utilities, or</li> <li>(iii) overland flow paths,</li> </ul> </li> <li>(e) batter slopes are not steeper than 25%;</li> <li>(f) terracing is stepped at equal horizontal and vertical intervals, and</li> <li>(g) works do not:                         <ul style="list-style-type: none"> <li>(i) involve any physical alteration to a watercourse.</li> </ul> </li> </ul>	<p><b>O20</b> <b>Complies.</b> The land is relatively flat due to works enabled under previous approvals. No subsequent filling, drainage, grading, or excavation of the land will be required.</p>

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Specific Outcomes	Probable Solutions	Assessment of Proposed Development
	<p>(ii) occur on slopes over 15% in grade.</p> <p><b>S20.2</b> Where the excavation and/or filling is intended to or causes the retention of water (such as a dam):</p> <ul style="list-style-type: none"> <li>(a) The works are certified by an RPEQ;</li> <li>(b) the structure will safely withstand the hydraulic loading;</li> <li>(c) a spillway for overflow is provided in a position to ensure scour damage or nuisance to adjacent lots does not occur; and</li> <li>(d) no adverse impact or interference is made on local flow patterns.</li> </ul>	

**Summary of Compliance with Urban Locality Code (Residential Zone):**

The proposed Child Care Centre is appropriately designed to meet the requirements of the Urban Locality Code. Appropriate conditions are recommended to ensure the development reflects the code in terms of landscaping, fencing, parking and on-site manoeuvring

**Taabinga Downs Local Plan Code – Multi-Purpose Precinct**

The purpose of the Taabinga Downs Local Plan Code – Multi-purpose Precinct is to incorporate a mixture of low scale commercial and community uses (e.g. Shop, Office, Real Estate Agent, Childcare Centre, Restaurant, and/or Takeaway Food Store) to service the basic needs of residents.

The following table sets out an assessment of the proposal against the overall outcomes for the for the Taabinga Downs Local Plan Code – Multi-Purpose Precinct.

**Table 6.2.10 Criteria for assessment**



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Specific Outcomes	Probable Solutions	Response
<b>Multi-purpose precinct</b>		
<b>Material Change of Use</b>		
<b>Use types</b>		
<p><b>O14</b> The following uses are consistent and preferred for development in the Taabinga Downs Local Plan – Multi-purpose Precinct:</p> <ul style="list-style-type: none"> <li>• Office</li> <li>• Real Estate Agent</li> <li>• Restaurant and/or Takeaway Food Store</li> <li>• Shop</li> <li>• Child Care Centre</li> </ul>	<p>No probable solutions provided.</p>	<p><b>O14</b> <b>Complies.</b> The proposed childcare centre is a consistent use.</p>
<b>Built Form</b>		
<p><b>O15</b> The form of buildings in Multi-purpose Centre must be appropriate to the scale and function of the Precinct</p>	<p><b>S15.1</b> Buildings (excluding awnings, decks, shade structures, etc.) must be setback a minimum of:</p> <ul style="list-style-type: none"> <li>• 6m to Kingaroy Street; and</li> <li>• 3m to Mirage Avenue.</li> </ul> <p><b>S15.2</b> Building Street frontages/facades must be provided with one or more of the following:</p> <ul style="list-style-type: none"> <li>• Awnings;</li> <li>• Active frontages;</li> <li>• Street furniture;</li> <li>• Attractive landscaping incorporating a mixture of shrubs, mature trees and planter boxes detailed within a Landscape Concept Plan prepared in accordance with Planning Scheme Policy No.5 of the Kingaroy Shire IPA Planning Scheme that meets the satisfaction of Council's Landscape Architect.</li> </ul> <p><b>S15.3</b> Building heights are no greater than 2 storeys.</p> <p><b>S15.4</b> 1.8m high acoustic fences are provided along boundaries that are shared with a Residential Area.</p>	<p><b>S15.1</b> <b>Complies.</b> The proposed buildings and shade structures of the childcare centre will have setbacks of 6m to Kingaroy Street and 3m to Mirage Avenue.</p> <p><b>S15.2</b> <b>Complies.</b> The proposed building will include an active frontage, by way of children's play areas, and landscaping.</p> <p><b>S15.3</b> <b>Complies.</b> The proposed building height is one storey.</p> <p><b>S15.4</b> <b>Complies.</b> The proposed development includes a 1.8m high acoustic fence along the southern boundary.</p>
<b>Servicing and Refuse</b>		

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Specific Outcomes	Probable Solutions	Response
<p><b>O16</b> Servicing, refuse storage and collection must be conveniently located, unobtrusive in appearance and minimise impacts to adjoining residential properties.</p>	<p><b>S16.1</b> Bins are to be storage within screened enclosures located a minimum of 2m from a shared boundary with a Residential Area.</p> <p><b>S16.2</b> Service bays are not to be located along a shared boundary with a Residential Area.</p> <p><b>S16.3</b> On-site servicing for a commercial use is provided in the form of:</p> <ul style="list-style-type: none"> <li>SRV where all tenancies have a floor area less than or equal to 100m<sup>2</sup></li> <li>HRV in all other circumstances</li> </ul>	<p><b>S16.1</b> <b>Complies.</b> Bins are to be stored within screened enclosures located a minimum of 2m from a shared boundary with a Residential Area.</p> <p><b>S16.2</b> <b>Complies.</b> Service bays are not located along a shared boundary with a Residential Area. The servicing will occur on the driveway, in a dedicated standing area.</p> <p><b>S16.3</b> <b>Complies.</b> On-site servicing is provided in the form of van. There will be minimum service vehicles on site which will be small rigid vehicles that will be able to appropriately use the set-down area. No heavy rigid vehicles will be required to service the development.</p>

**Summary of Compliance with Taabinga Downs Local Plan Code – Multi-Purpose Precinct**

The proposed Child Care Centre is consistent with the intent and provisions of the Taabinga Downs Local Plan Code.

The proposal maintains appropriate setbacks to all boundaries and includes an acoustic fence to manage impacts towards the adjoining residential lots. Refuse storage and on-site servicing are appropriate for the use and specific conditions are recommended to ensure the development remains consistent with the Local Plan Code.

**Childcare Centres Code**

The purpose of the Childcare Centres Code is the achievement of the overall outcomes sought for the establishment and use of any Childcare centre in the Shire.

The following table sets out an assessment of the proposal against the overall outcomes for the for the Child Care Centres Code.

**5.3.2.3 Child Care Centres Code**

Specific Outcomes	Probable Solutions	Response
<p><b>Location and Site Characteristics</b></p> <p><b>O1</b> The site is located:</p> <ol style="list-style-type: none"> <li>in close proximity to or co-located with community facilities, recreational facilities, major health services or educational establishments; or</li> <li>at a conveniently accessible site at the main entry or access to a residential,</li> </ol>	<p><b>S1.1</b> The premises are located:</p> <ol style="list-style-type: none"> <li>adjacent to community services, useable parkland, sporting grounds, churches, schools or community halls/centres; or</li> <li>in or adjacent to educational establishments, business/retail centres,</li> </ol>	<p><b>O1</b> <b>Complies.</b> The premises is located adjacent to community services including Taabinga State School. The site is within the Residential Zone and provides for a service which meets the day to day needs of local residents. Specific conditions are recommended requiring the</p>

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Specific Outcomes	Probable Solutions	Response
<p>business/retail or employment area; and</p> <p>(3) conveniently accessible from the pedestrian path network or public transport services, and</p> <p>(4) where it can respond to demonstrated public need for childcare facilities.</p>	<p>employment areas, offices or hospitals.</p>	<p>installation of a pedestrian path to enable safe access.</p>
<p><b>O2</b></p> <p>The premises is located on a site so that:</p> <p>(1) non-local traffic is not introduced into residential streets; and</p> <p>(2) siting on sub-arterial and higher order roads as depicted on the Zone maps is minimised.</p>	<p><b>S2.1</b></p> <p>The premises are located on a site that fronts a formed, constructed and gazetted road of at least 8 metres bitumen seal carriageway width between the site and the nearest collector or higher order road depicted on the Zone maps which road:</p> <p>(1) is not a residential street, and</p> <p>(2) does not carry more than 5000 vehicles per day.</p>	<p><b>S2.1</b></p> <p><b>Complies.</b> The premises is located on a site that fronts a formed, constructed and gazetted road of at least 8 metres between the site and the nearest collector or higher order road depicted on the Zone maps which road:</p> <p>(1) is not a residential street, and</p> <p>(2) does not carry more than 5000 vehicles per day.</p>
<p><b>O3</b></p> <p>The premises are located and designed so they are not exposed to unacceptable levels of hazards, environmental harm, or nuisance.</p>	<p><b>S3.1</b></p> <p>The premises are located on a site where:</p> <p>(1) no part of the site is within 40 metres of the electric line shadow of the Transmission Grid, telecommunication tower, mobile telephone base station or any other facility generating electromagnetic fields;</p> <p>(2) no part of the site is within 55 metres of an above-ground LPG storage tank or tanker unloading facility;</p> <p>(3) no uses are within 20 metres of a rail line, or</p> <p>(4) ground level is located 300mm above the highest known flood or above land inundated by the 1% Annual Exceedance Probability (AEP) flood event, where known.</p> <p><b>S3.2</b></p> <p>Where abutting the Rural Locality, any buildings and structures are sited no closer than 150 metres to any boundary which adjoins land:</p> <p>(1) used for commercial rural production,</p> <p>or</p> <p>(2) that is Class A or B land as shown in SMOA map 2D.</p>	<p><b>S3.1</b></p> <p><b>Complies.</b> The premises are located on a site where:</p> <p>(1) no part of the site is within 40 metres of the electric line shadow of the Transmission Grid, telecommunication tower, mobile telephone base station or any other facility generating electromagnetic fields;</p> <p>(2) no part of the site is within 55 metres of an above-ground LPG storage tank or tanker unloading facility;</p> <p>(3) no uses are within 20 metres of a rail line, or ground level is located 300mm above the highest known flood or above land inundated by the 1% Annual Exceedance Probability (AEP) flood event, where known.</p> <p><b>S3.2</b></p> <p><b>N/A.</b> The site does not adjoin sites in the Rural locality.</p>

Approved by Delegated Authority:



Date: 3 November 2020

Specific Outcomes	Probable Solutions	Response
<p><b>O4</b> The premises is located on a site with sufficient area and dimensions to accommodate uses and works for the Child-care centre in a safe, convenient, effective and attractive manner.</p>	<p><b>S4.1</b> The premises is located on a lot having: (1) a slope of less than 6% and (2) a regular shape.</p>	<p><b>S4.1</b> <b>Complies.</b> The premises is located on a regular shaped lot with a slope of less than 6%.</p>
<p><b>O5</b> The premises are situated on a fully serviced site.</p>	<p><b>S5.1</b> The premises are situated on a site connected to: (1) Council's reticulated water supply and sewerage systems, and (2) mains electricity.</p>	<p><b>S5.1</b> <b>Complies.</b> The site is connected to Council's reticulated water supply and sewerage systems, and mains electricity.</p>
<p><b>Layout and Design</b></p>		
<p><b>O6</b> Premises are compatible in form and design with the scale and appearance of existing buildings and works predominating in the local setting.</p>	<p><b>S6.1</b> Buildings have a height of not more than two storeys or 8.5 metres (including carparking level) measured above ground level.</p>	<p><b>S6.1</b> <b>Complies.</b> The childcare centre will be one storey and less than 8.5 metres in height.</p>
<p><b>O7</b> Landscaping for the premises is provided: (1) along all street frontages and other site boundaries to complement the local streetscape and reflect the local character, and (2) so there is suitable buffering between the premises and surrounding incompatible uses to minimise conflict.</p>	<p><b>S7.1</b> Where any of the following for the premises, namely: (1) driveway, vehicle movement areas or car parking, (2) service or utility areas, (3) windows from indoor activity areas, (4) any plant machinery/equipment area (other than roof or wall mounted room air conditioner), or (5) outdoor activity areas, adjoin habitable rooms and outdoor living areas on adjoining sites, provision is made along the common boundary for: (1) a 2 metre set back and a solid visual screen fence of 1.8 metres height, or (2) screen landscaping that is 2 metres deep.</p>	<p><b>S7.1</b> <b>Complies.</b> The proposed development includes sufficient area for landscaping. Appropriate conditions are recommended for inclusion.</p>
<p><b>O8</b> Premises: (1) are adequately serviced by on-site parking in a safe, attractive and functional manner, (2) have a safe set down/pick up area, and (3) have direct, safe, practical and trafficable access to a public road without impacting</p>	<p><b>S8.1</b> Vehicle parking is provided on-site in all Localities except in the Village Locality, at a rate of: (1) 1 space for each 3 employees, and (2) 1 space for every 5 children able to be accommodated on the site.</p> <p><b>S8.2</b></p>	<p><b>S8.1</b> <b>Complies.</b> There will be 8 employees and 65 children. 3 carparking spaces for employees and 13 spaces for visitors are provided to reach the required 16 spaces. Appropriate conditions are recommended for inclusion.</p> <p><b>S8.2</b></p>

Approved by Delegated Authority:



Date: 3 November 2020

Specific Outcomes	Probable Solutions	Response
on local amenity and character or the safe and effective movement of passing traffic.	A drive-through lane is provided at the front of the site that allows service and emergency vehicles to have forward entry and exit to the site.	<b>Complies.</b> The driveway provides for a drive-through lane and sufficient standing area is provided for service and emergency vehicles to have forward entry and exit to the site.
	<b>S8.3</b> At least 50% of the required car parking spaces are provided so that pedestrian access to the entrance of the building can occur without the need to walk across a driveway or vehicle manoeuvring area for the premises.	<b>S8.3</b> <b>Complies.</b> At least 50% of the required car parking spaces are provided so that pedestrian access to the entrance of the building can occur without the need to walk across a driveway or vehicle manoeuvring area.

**Summary of Compliance with Childcare Centres Code:**

The proposed development complies with the Child Care Centres Code and appropriate conditions are recommended to ensure adequate car parking and landscaping is provided. A condition is recommended to construct a pedestrian path to enable safe access to the site.

The proposed development is a community use that will support the day to day needs of residents and families living in the surrounding residential area. The site is appropriately located within a residential area, adjacent a local school and within proximity to the main centre of Kingaroy, without impeding the ability of other child care centres to operate.

**5.3.2.5 Key Issues**

The key issues are discussed below:

**Amenity**

The amenity impacts on the adjoining neighbour to the south due to noise have been taken into consideration.

The Applicant has confirmed that the southern boundary of the site is to be fenced with an acoustic fence of 1.8 metres in height.

Landscape trees are proposed along the southern boundary to further soften the visual impacts of the Child Care Centre to the adjoining residential lots.

**5.3.2.6 Consultation**

No public notification was required.

**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 development against the Regional Plan is not required.

**5.5 State Planning Policy 2017**

Approved by Delegated Authority:



Date: 3 November 2020

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 this development 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.

**6.0 CONTRIBUTIONS / CHARGES**

The South Burnett Regional Council Adopted Infrastructure Charges Resolution (No. 3) 2019 is applicable to the development application as the proposed development is located within the mapped Priority Infrastructure Area.

**7.0 GROUNDS FOR APPROVAL / RECOMMENDATION**

Grounds to support the development

- The use is appropriate for the site, given its location within a residential locality that will have a nexus too supporting the day to day needs of the community.
- The use is well located in proximity to existing schools and business activities.
- The amenity impacts of the proposal, including light and noise, are minimal and manageable and not unacceptable.
- The use is consistent with the Taabinga Downs Estate Structure Plan and its assessment benchmarks. The use complies with all acceptable outcomes and performance criteria, and does not prejudice the use of surrounding land.
- The use does not conflict with the current planning framework, including the South Burnett Regional Council Planning Scheme 2017.

On balance, the proposed development and its impacts can be managed through compliance with conditions. On this basis, it is recommend that Council approve the proposed development, subject to the conditions outlined in the report.

Approved by Delegated Authority



Date: 3 November 2020

## INFRASTRUCTURE CHARGES NOTICE

*(Section 119 of the Planning Act 2016)*

**APPLICANT:** The Planning Place  
7/273 Abbotsford Road  
BOWEN HILLS QLD 4006

**APPLICATION:** Childcare Centre - Code Assessable

**DATE:** 3 November 2020

**FILE REFERENCE:** MCU20/0013

**AMOUNT OF THE LEVIED CHARGE:** **\$9,442.00** **Total**  
*(Details of how these charges were calculated are shown overleaf)*

\$2,219.00	Water Supply Network
\$1,223.00	Sewerage Network
\$5908.00	Transport Network
\$0.00	Parks and Land for Community Facilities Network
\$92.00	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 10 SP204763 and Lot 16 SP204673

**SITE ADDRESS:** 25 Kingaroy Street, Kingaroy

**PAYABLE TO:** **South Burnett Regional Council**

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

**OFFSET OR REFUND:** Not Applicable

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

Approved by Delegated Authority:



Date: 3 November 2020

**DETAILS OF CALCULATION**

**Water Supply**

**Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Education Facility	447m <sup>2</sup>	GFA	\$49.00	Table 2.2	\$21,903.00

**Discounts\***

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lawful use	2	lot	\$9,842.00	Table 2.1	\$19,684.00

**Sewerage**

**Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Education Facility	447m <sup>2</sup>	GFA	\$27.00	Table 2.2	\$12,069.00

**Discounts\***

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lawful use	2	lot	\$5,423.00	Table 2.1	\$10,846.00

**Transport**

**Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Education Facility	447m <sup>2</sup>	GFA	\$24.00	Table 2.2	\$10,728.00

**Discounts\***

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lawful use	2	lot	\$2,410.00	Table 2.1	\$4,820.00



Approved by Delegated Authority:



Date: 3 November 2020

### Parks and Land for Community Facilities

#### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Education Facility	447m <sup>2</sup>	GFA	\$0.00	Table 2.2	\$0.00

#### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lawful use	2	lot	\$2,009.00	Table 2.1	\$4,018.00

### Stormwater

#### Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Education Facility	447m <sup>2</sup>	GFA	\$2.00	Table 2.2	\$894.00

#### Discounts\*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lawful use	2	lot	\$401.00	Table 2.1	\$802.00

### Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Education facility	\$2,219.00	\$1,223.00	\$5,908.00	\$0.00	\$92.00	\$9,442.00
<b>Total</b>	\$2,219.00	\$1,223.00	\$5,908.00	\$0.00	\$92.00	\$9,442.00

\* 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 *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 average<sup>1</sup>. 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](mailto:info@southburnett.qld.gov.au)

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

- 69 Hart Street, Blackbutt, 4314;

<sup>1</sup> 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, Town Planning 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](mailto:info@southburnett.qld.gov.au)

Approved by Delegated Authority:



Date: 3 November 2020

**Locality Plan**



Figure 1 - Aerial Image (Source: Qld Globe)

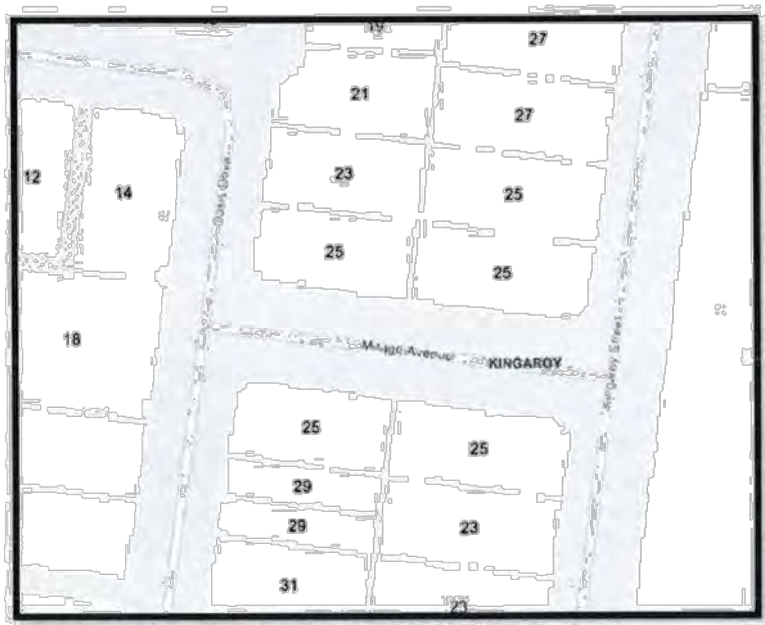


Figure 2 - Locality Plan (Source: IntraMaps)

Approved by Delegated Authority:



Date: 3 November 2020

**ATTACHMENTS**

Nil

Approved by Delegated Authority:

Date: 3 November 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	Material Change of Use – Child Care Centre
Level of Assessment	Code
Application No	MCU20/0013
Name of Applicant	TDC Childcare Pty Ltd C/- The Planning Place
Street Address	25 Kingaroy Street and 27 Oasis Drive, Kingaroy
Real Property Address	Lots 10 and 16 SP204673

On 3 November 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 development application seeking a Development Permit for Material Change of Use for a Child Care Centre is supported by the relevant provisions of the endorsed Taabinga Downs Estate Structure Plan, Kingaroy Shire Council Planning Scheme 2006. The proposal is supported on the following grounds:

- The use is appropriate for the site due to the location of the site within a residential area and the community service it will provide for the local catchment.
- The amenity impacts of the proposal, including light and noise, can be managed through specific conditions of approval.
- The site is appropriate for the use as it enables safe access and egress by vehicles, and does not create pedestrian conflicts or impact traffic flows. The design of the car park can be managed through appropriate engineering conditions.
- The proposed development achieves the acceptable outcomes and performance outcomes identified in the assessment benchmarks.
- The Applicant has sufficiently demonstrated the minimal impacts on the neighbouring residential allotment.
- The capacity (scale) of the use can be managed through a specific condition of approval.
- The proposal does not create any land use conflict.
- All infrastructure associated with the development will be maintained in accordance with Council and Public Utility requirements.
- The proposed use is consistent with the assessment benchmarks set out in the Preliminary Approval and endorsed Taabinga Downs Estate Structure Plan.
- The proposed Child Care Centre does not conflict with the relevant provisions of the current South Burnett Regional Council Planning Scheme 2017.

Approved by Delegated Authority:



Date: 3 November 2020

**2. Assessment Benchmarks**

The following benchmarks apply to this development:

- Kingaroy Shire Council Planning Scheme 2006
  - o Urban Locality Code
- Taabinga Downs Estate Structure Plan
  - o Taabinga Downs Local Plan Code – Multi-purpose Precinct
  - o Child Care Centres Code

**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
	Nil. Public notification not carried out.	Not Applicable
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: 04/12/2020

**0.0 MATERIAL CHANGE OF USE APPLICATION FOR BULK LANDSCAPE SUPPLIES - LOT 11 ON SP257284, 18 FIRST AVENUE, KINGAROY - APPLICANT: BEAN GROWERS AUSTRALIA**

**File Number:** MCU20/0014  
**Author:** Senior Planner  
**Authoriser:** Chief Executive Officer

KINGAROY - APPLICANT: BEAN	
SIGNATURE	DATE
MANAGER 	4/12/2020
GM 	7/12/2020
CEO 	07-12-2020

**PRECIS**

Material Change of Use application for Bulk Landscape Supplies - Lot 11 on SP257284, 18 First Avenue, Kingaroy - Applicant: Bean Growers Australia

**SUMMARY**

- Application for Material Change of Use – Development Permit for Bulk landscape supplies;
- Subject site is included within the Medium impact industry zone under the South Burnett Regional Council Planning Scheme;
- The proposed use area is 3,283sqm which includes bin and building areas;
  - Bin area – 2,685sqm;
  - 62 bins measuring approximately 6m x 8m in size.
- The parking and manoeuvring area is approximately 1,316sqm with six (6) designated parking spaces;
- Proposal triggers assessment against the entire Planning Scheme which includes:
  - Strategic Framework;
  - Medium impact industry zone code;
  - Services and works code.
- An informal request was issued to the applicant regarding the safety of the access in relation to the vertical drop off at the outlet of the existing culverts at the same location;
- Under a previous subdivision approval the applicant was required to upgrade the access including kerb and channel however Council did not impose conditions to widen a portion of the road for vehicles to turn into the property from the south;
  - An assumption could be made that the reason not to condition an extension of the existing culvert or widen the road was due to the fact that no MCU was proposed as part of the development;
- Council's Planning Scheme requires a total of 22 parking spaces ie 1 space per 150sqm of total use area (minimum 6 spaces);
- In this instance, the required parking as stipulated in the planning scheme for a Bulk landscape supplies is considered excessive as the proposed development does not include a garden centre which requires the same number of parking spaces ie. 1 space per 150sqm of total use area (minimum 6 spaces);
- The applicant proposes a total of 6 spaces which is considered satisfactory;
- The development application is subject to Impact Assessment and no submissions were received during the public notification period;
- No referral to SARA was triggered;
- Infrastructure Charges Notice (Attachment A – Infrastructure Charges Notice);
- The application has been assessed against the overall outcomes and performance outcomes of the relevant codes and conditioned to comply (refer to Attachment B – Statement of Reasons);
- Application recommended for approval subject to reasonable and relevant conditions.



Approved by Delegated Authority

Date: 04/12/2020

**OFFICER'S RECOMMENDATION**

That Council **approve** the development application for a Material Change of Use – Development Permit for Bulk landscape supplies at 18 First Avenue, Kingaroy described as Lot 11 on SP257284 subject to the following conditions:-

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
1	Site Plan	Struxi Design Pty Ltd	201557 DD Sheet 001	B	19/08/2020
2	Office/Dry Store Site Plan	Struxi Design Pty Ltd	201557 DD Sheet 002	A	3/08/2020
3	Office Floor Area	Struxi Design Pty Ltd	201557 DD Sheet 101	A	22/07/2020
4	Workshop Floor Plan	Struxi Design Pty Ltd	201557 DD Sheet 102	A	22/07/2020
5	Office/Dry Store Elevations	Struxi Design Pty Ltd	201557 DD Sheet 401	A	22/07/2020
6	Workshop Elevations	Struxi Design Pty Ltd	201557 DD Sheet 402	A	3/08/2020

Approved Plans – Refer Attachment A

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;
- Permit for Plumbing and Drainage Work;
- Development Permit for Operational Works (Site Works, road widening, kerb and channel and associated drainage, landscaping, access driveways, water supply and sewerage discharge sludge collection and removal, stormwater disposal);

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**

GEN4. The approved development is for a Material Change of Use for Bulk landscape supplies, as shown on the Approved Plans and does not infer any other similar use eg. Garden Centre.

**COMPLIANCE, TIMING AND COSTS**

GEN5. All conditions of the approval shall be complied with before the change occurs (prior to commencement of the use) and while the use continues, unless otherwise noted within these conditions.

GEN6. All works, including the repair or relocation of services (Telstra, lighting) is to be completed at no cost to Council.

**MAINTENANCE**

GEN7. The development (including landscaping, parking, driveway and other external spaces) shall be maintained in accordance with the Approved Plans, subject to and modified by any conditions of this approval.

GEN8. Maintain the site in a clean and orderly state at all times.

GEN9. Dust prevention measures must be undertaken to ensure that dust does not cause a nuisance to occupiers of adjacent properties.

Approved by Delegated Authority:



Date: 04/12/2020

**GENERAL PARKING**

GEN10. All parking associated with the business is to occur within the property and not on the street frontage or within the road reserve.

**ENVIRONMENTAL HEALTH**

ENV1. Noise emitted from the approved use must not cause an environmental nuisance including but not limited to refrigeration, air-conditioning equipment and maintained in proper working order at all times, in accordance with manufacturer's directions.

ENV2. Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust.

ENV3. Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.

ENV4. When requested by Council, nuisance monitoring must be undertaken and recorded over a period of three (3) months, to investigate any genuine complaint of nuisance caused by noise, light, odour or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.

ENV5. No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, and etcetera. All contaminated water, including from any wash-down areas used for the maintenance or cleaning of equipment (including vehicles), must be connected into to the sewerage network.

**LANDSCAPING**

GEN10. Landscape plantings along the First Avenue street frontage to be in the form of defined gardens with three tier planting comprised of groundcovers, shrubs (understorey) and trees (canopy) and provided with a drip irrigation system, mulching and border barriers.

GEN11. Existing swale drains on-site are to be kept grassed down and maintained.

**LANDSCAPE BINS**

GEN12. All bins must be enclosed on three sides and no openings are to face the existing swale drains.

**REFUSE STORAGE COLLECTION**

GEN13. Provision must be made for the storage and removal of refuse in accordance with the *Waste Reduction and Recycling Regulation 2011*.

**STORAGE OF HAZAROUS MATERIALS**

GEN14. Any materials stored on-site are to be kept in accordance with the relevant standards and kept above any nominated flood level.

**LIGHTING**

ENG1. Design all external lighting in accordance with AS4282-1997 "*Control of the Obtrusive Effects of Outdoor Lighting*".

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.

**ENGINEERING WORKS**

ENG2. 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.

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Approved by Delegated Authority:



Date: 04/12/2020

ENG3. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's standards, relevant design guides, and Australian Standards.

ENG4. 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**

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

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

#### **STORMWATER MANAGEMENT**

ENG7. Design and construct stormwater drainage to ensure that the development will achieve "no nuisance" as described in the Queensland Urban Drainage Manual (QUDM) to all upstream, adjacent, and downstream properties including road reserves and the like for design storms up to ARI100.

ENG8. 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.

ENG9. Design and construct stormwater drainage incorporating measures to prevent any solid matter and floatable oils being carried into existing stormwater system.

ENG10. 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.

#### **LAWFUL POINT OF DISCHARGE**

ENG11. 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**

ENG12. Connect the development to Council's reticulated water supply system via a single connection.

#### **SEWERAGE**

ENG13. Connect the development to Council's existing reticulated sewerage system via a single connection.

#### **PARKING AND ACCESS - GENERAL**

ENG14. Design and construct all driveway and parking areas using a dust suppressive gravel.

ENG15. Provide a minimum of three (3) car parking spaces, one (1) person with disability (PWD) car parking space, and three (3) car and trailer spaces as shown on Struxi design Site Plan 201557 DD 001 B.

ENG16. Design & construct all PWD car parking spaces in accordance with AS2890.6.

ENG17. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.

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ENG18. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

ENG19. Maintain dust suppression treatment to all internal roadways and vehicle manoeuvring areas ensuring not to have an adverse impact on adjoining properties.

**PARKING AND ACCESS - SERVICING**

ENG20. Design along the route to and from all bins and the external road network, a layout that accommodates the turning movements of an Articulated Vehicle, and ensure that all vehicles are able to enter and exit the site in a forward direction.

ENG21. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

**ACCESS**

ENG22. Submit to Council a plan showing the swept path of an Articulated Vehicle (AV) exiting the site heading south, so as to not cross the centreline of First Avenue. The existing access shall be widened to accommodate this swept path. The standard of the widening shall be in accordance with IPWEAQ Std Dwg RS-051 Rev F.

**TRANSPORT ROUTE**

ENG23. For heavy vehicles, the approved transport route to/from the site shall be from the site entrance, south along First Avenue to River Road. Heavy vehicles shall only head north along First Avenue from the site entrance for local deliveries only.

**ROADWORKS**

ENG24. Provide a Road Safety Audit from a registered Department of Transport and Main Roads Road Safety Auditor, demonstrating that the existing culvert outlet opposite the access location does not pose a safety risk to motorists. In the event that the Road Safety Audit cannot demonstrate this requirement, the applicant shall extend the culverts (including all ancillary works including guardrail if required), and widen the road to achieve the equivalent of a BAR standard turn treatment. The design of such works shall be carried out by a suitably qualified RPEQ, and form part of an Operational Work application.

*Note: Council may accept an alternate level of works recommended by the Road Safety Auditor.*

**ELECTRICITY AND TELECOMMUNICATION**

ENG25. Connect the development to electricity and telecommunication services.

**EARTHWORKS - GENERAL**

ENG26. Undertake earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.

**EROSION AND SEDIMENT CONTROL - GENERAL**

ENG26. 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.

ENG27. 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.

**TRAFFIC MANAGEMENT**

ENG28. Install internal signage to clearly delineate car parking areas, and direct traffic flow through the site in accordance with the approved plans.

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**ADVICE**

ADV1. Should a commercial waste collection service be required the operator will be required to enter into a third party arrangement with a registered waste collection service to remove waste from the property.

**WHEN APPROVAL STARTS TO HAVE EFFECT**

ADV2. This development approval starts to have effect in accordance with the provisions of Section 71 of the *Planning Act 2016*.

**WHEN APPROVAL LAPSES**

ADV3. This development approval will lapse in accordance with the provisions contained within Sections 85 and 88 of the *Planning Act 2016*, unless otherwise stated elsewhere within this development approval.

**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.

**ENVIRONMENTAL HARM**

ADV6. The *Environmental Protection Act 1994* (EP Act) states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.

ADV7. Environmental harm includes environmental nuisance. In this regard persons and entities involved in the civil, earthworks, construction and operational phases of this development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm. Environmental harm is defined by the EP Act as any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Administering Authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

**EXISTING EASEMENT**

ADV8. The grantee must adhere to the details contained in the registered easement schedule which includes obtaining written permission from the grantor relating to but not limited to buildings, structures, driveways, gardens and landscaping within the existing easement.

Approved by Delegated Authority:



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**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**

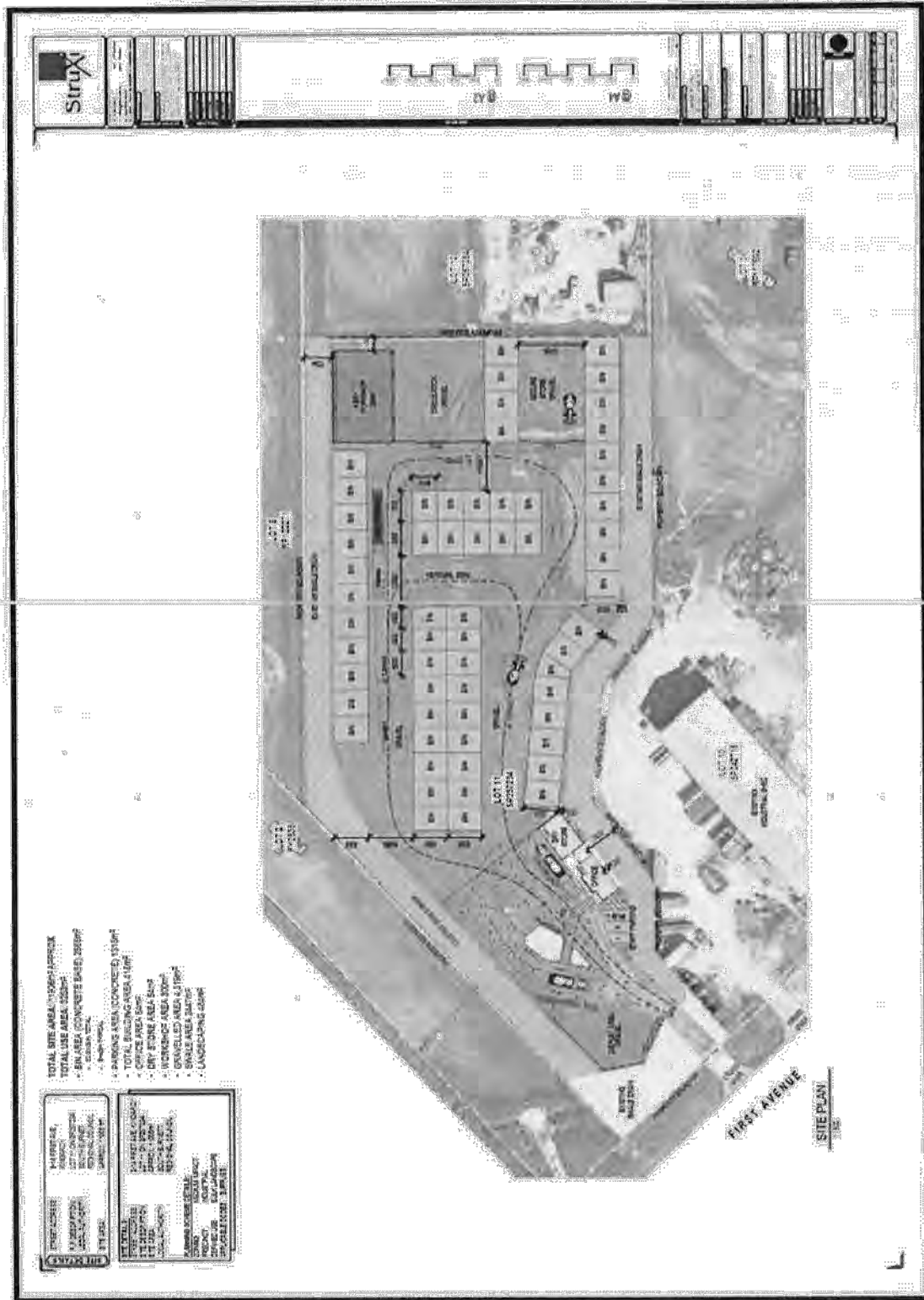
No implication can be identified.

Approved by Delegated Authority:



Date: 04/12/2020

ATTACHMENT A  
PROPOSAL PLANS

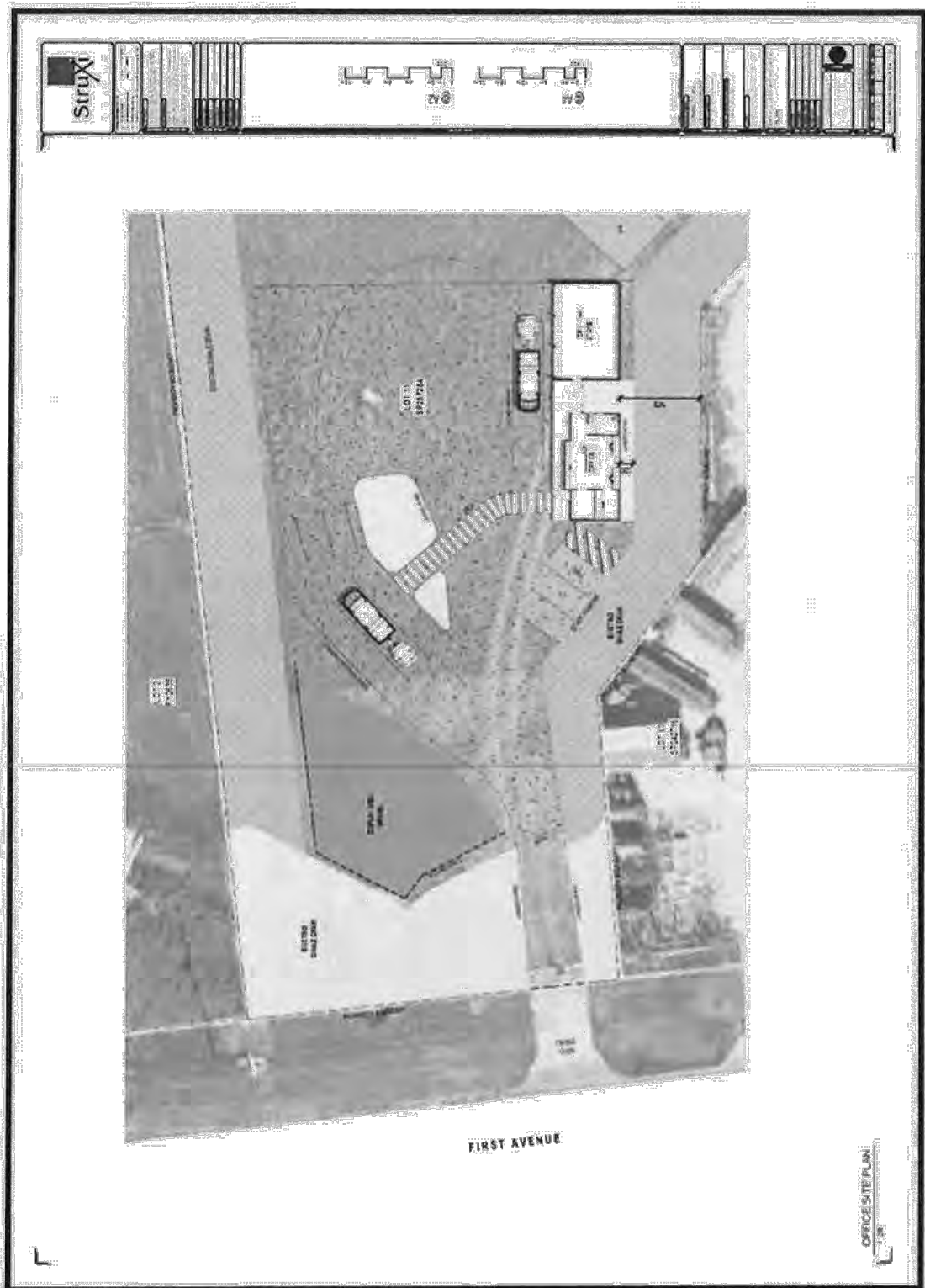


Source 1: Applicant – Site Plan

Approved by Delegated Authority:



Date: 04/12/2020

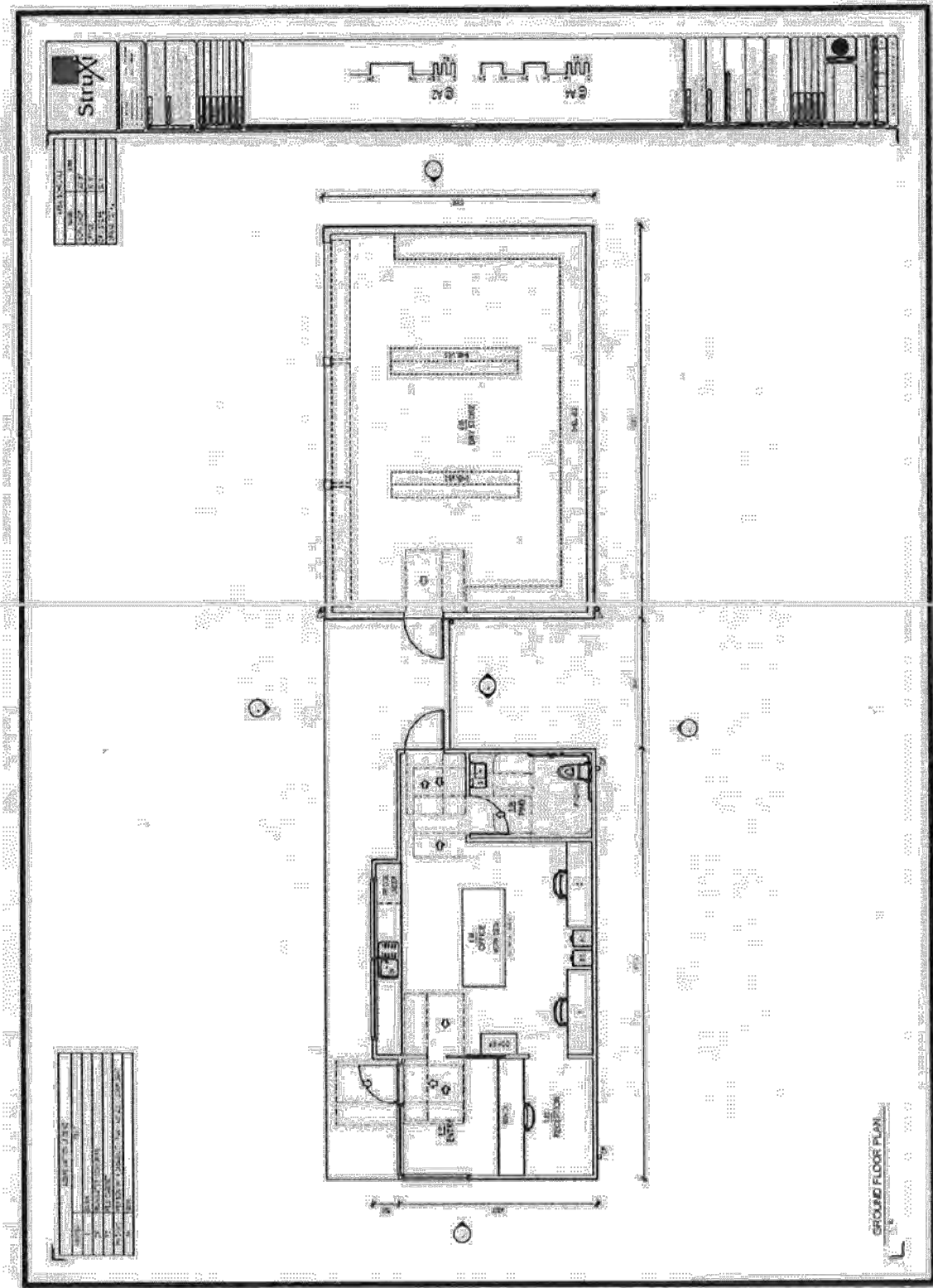


Source 2: Applicant – Office Site Plan



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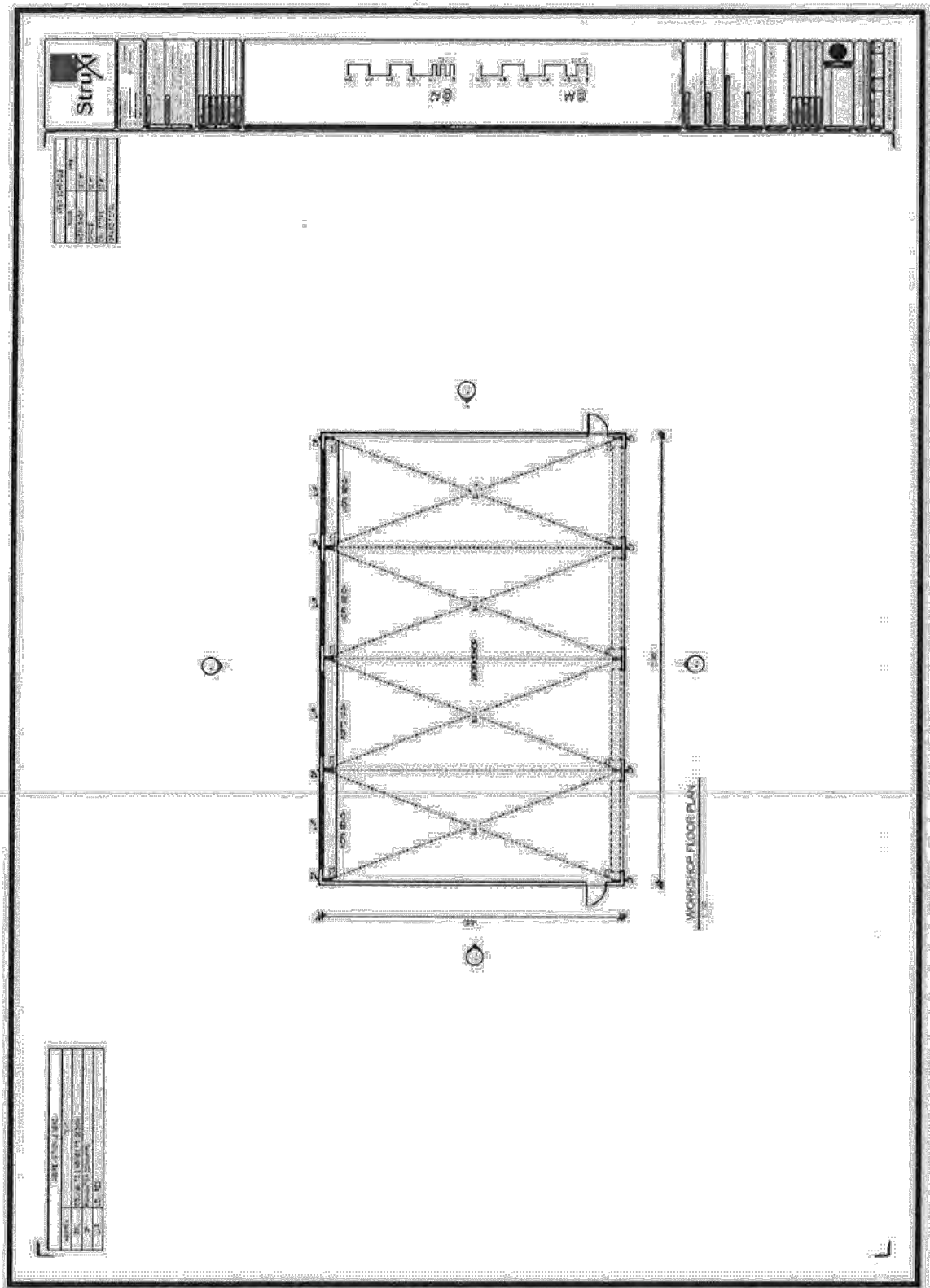
Date: 04/12/2020



Source 3: Applicant – Ground Floor Plan

Approved by Delegated Authority:

Date: 04/12/2020

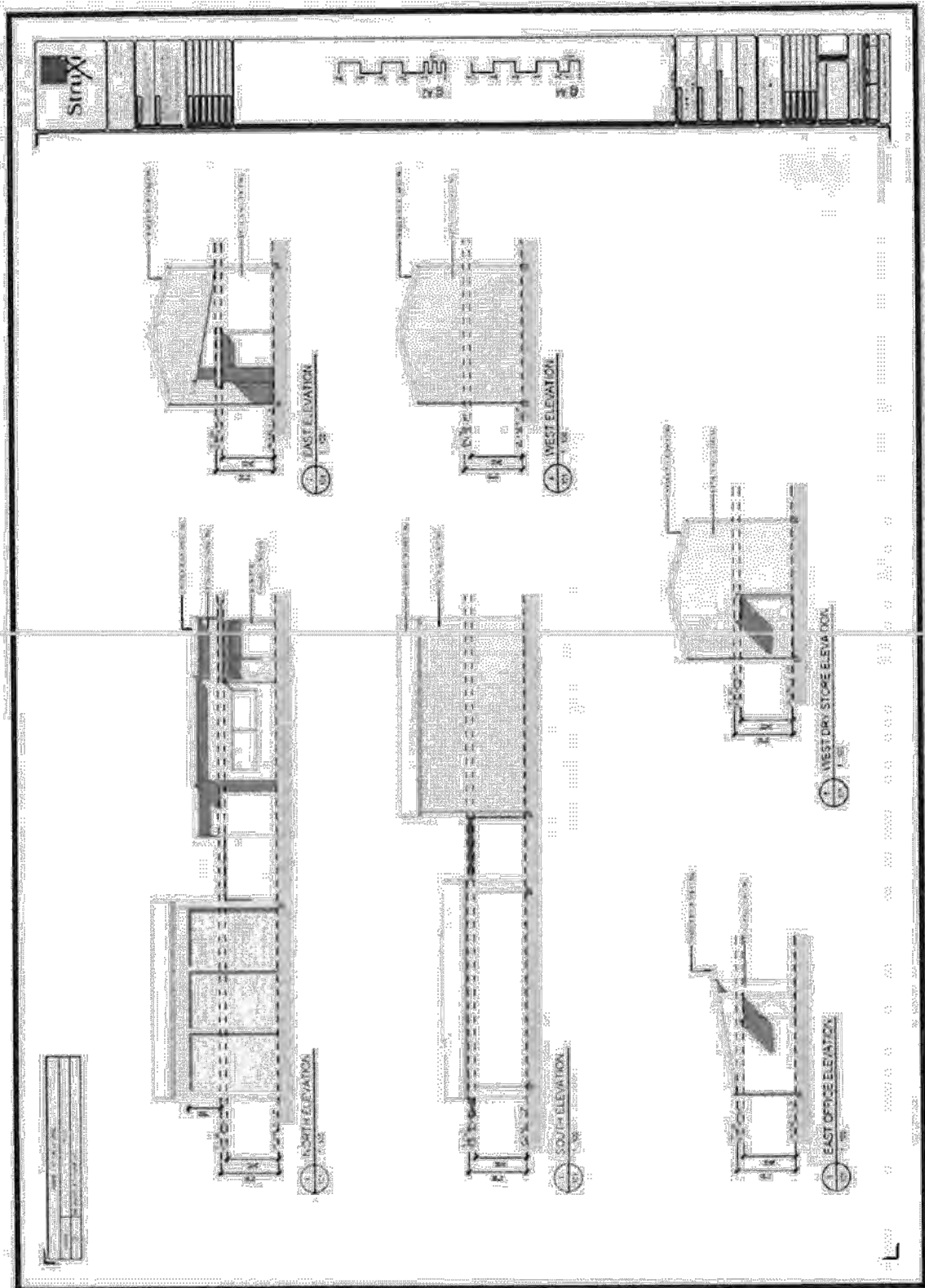


Source 4: Applicant - Workshop Floor Plan

Approved by Delegated Authority:

A

Date: 04/12/2020

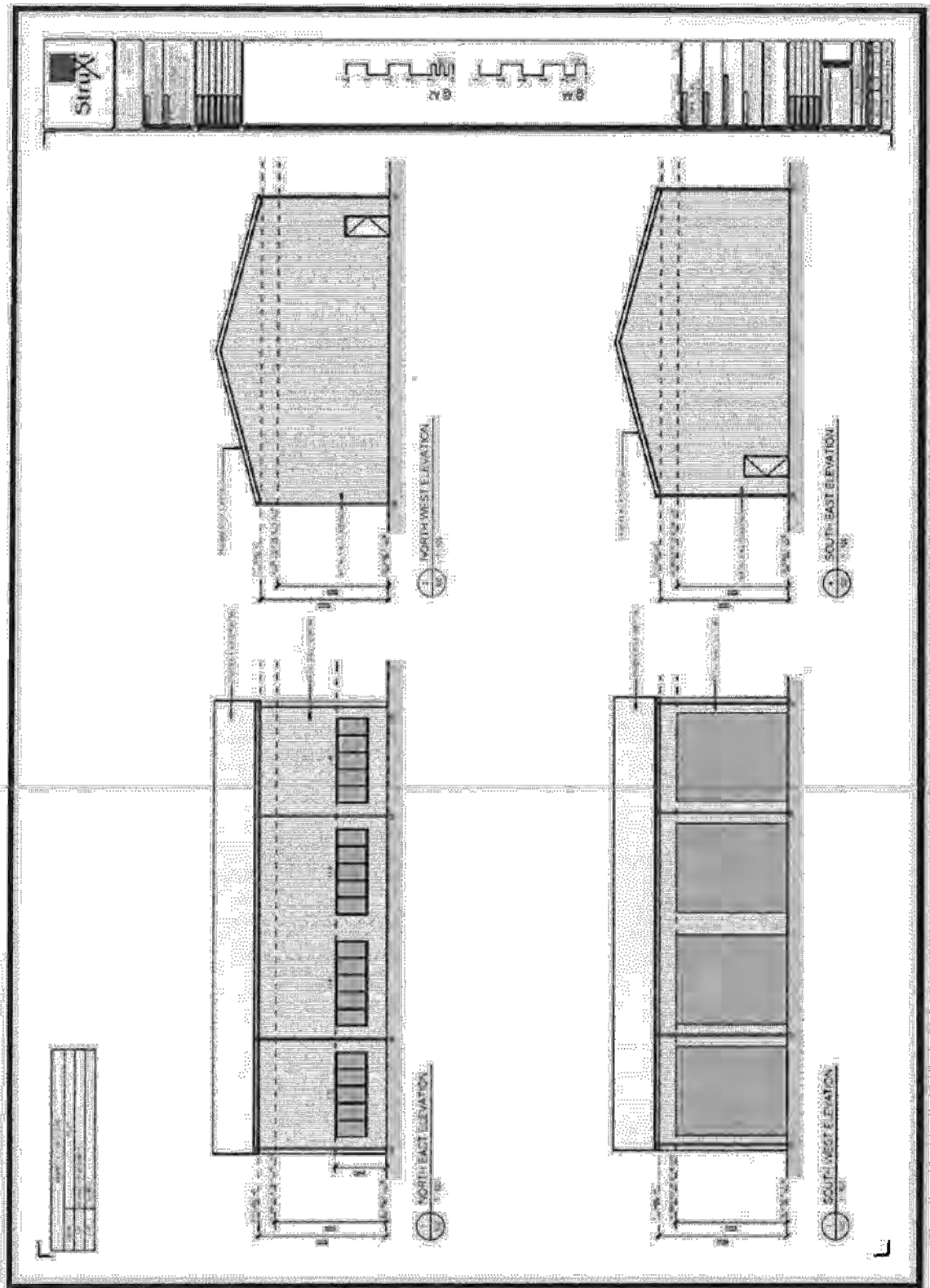


Source 5: Applicant - North, East, South, West, East office & West dry store elevation Plan.

Approved by Delegated Authority:



Date: 04/12/2020



Source 6: Applicant -North East, North West, South West and South East Elevation Plan

Approved by Delegated Authority:



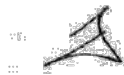
Date: 04/12/2020

**REPORT**

The applicant seeks approval for a Development Permit for a Material Change of Use for Bulk Landscaping Supplies.

<b>APPLICATION SUMMARY</b>	
<b>Applicant:</b>	Bean Growers Australia Limited c/- Adamson Town Planning
<b>Proposal:</b>	<p>Material Change of Use - Bulk Landscape Supplies</p> <p>The subject property is located on the eastern side of First Avenue and is the last lot of the industrial development located on the edge of the industrial area to the south-west of Kingaroy town.</p> <p>The 3,283sqm development will comprise of:-</p> <ul style="list-style-type: none"> <li>- Office approximately 64sqm;</li> <li>- Dry storage building approximately 54sqm;</li> <li>- Workshop building approximately 300sqm.</li> <li>- Bin storage area:                             <ul style="list-style-type: none"> <li>- Approximately 2,865sqm</li> <li>- 62 bins - approximately 6m x 8m in size</li> </ul> </li> <li>- Parking and manoeuvring area:                             <ul style="list-style-type: none"> <li>- Approximately 1,316sqm;</li> <li>- 3 designated parking spaces beside the office;</li> <li>- 3 parking spaces entering the site;</li> <li>- Parking lane beside the office when existing site;</li> </ul> </li> <li>- Gravel display area near entry behind the landscaping/swale drain;</li> <li>- Range of materials and products</li> </ul> <p>Existing swale drain surround the development to the north, south and across the frontage of the site (west). Landscaping to be provided around the office area and internal traffic island separating the manoeuvring/parking areas.</p> <p>Customers will be able to park in the temporary bays near the frontage while making payment at the office. Traffic will flow in a clockwise direction with the material will be loaded from the bins into the customer's vehicle.</p> <p>The business will service existing commercial, industrial, and residential markets in the Kingaroy and greater South Burnett area.</p>
<b>Properly Made Date:</b>	27 August 2020
<b>Street Address:</b>	18 First Avenue, Kingaroy
<b>RP Description:</b>	Lot 11 on SP257284
<b>Assessment Type:</b>	Impact
<b>Number of Submissions:</b>	Nil received
<b>State Referral Agencies:</b>	N/A
<b>Referred Internal Specialists:</b>	Contract Development Engineer

Approved by Delegated Authority:




Date: 04/12/2020

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

PROPOSED DEVELOPMENT	
Proposed Development:	Material Change of Use – Bulk Landscaping Supplies
Variations Sought:	N/A
Level of Assessment:	Impact
Area to be used:	3,883sqm
Impervious Area:	<2,500sqm
Site Cover:	3,283sqm
Car Parking Spaces:	6 proposed
Service Vehicle Provision:	loading bay for AV
Submissions Received:	Nil
Decision Making Period Ends:	21 December 2020

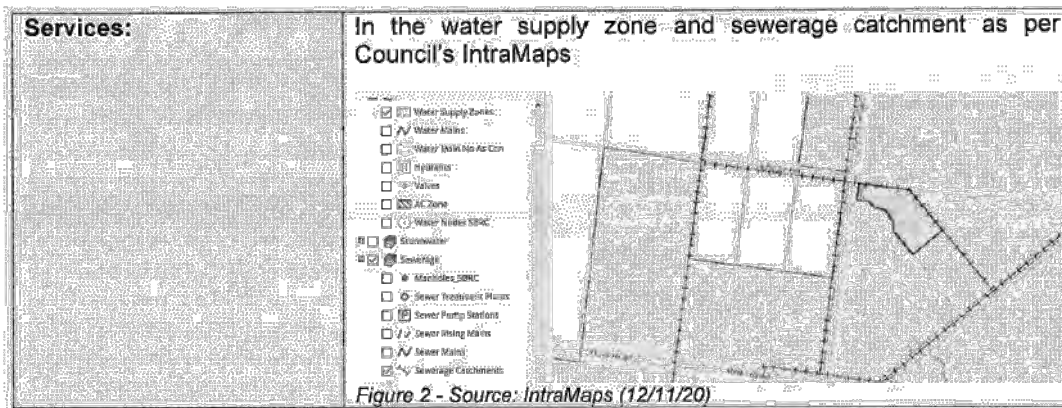
**SITE DETAILS:**

SITE AND LOCALITY DESCRIPTION		
Land Area:	1.19ha	
Existing Use of Land:	Vacant land	
Road Frontage:	First Avenue (35m in width)	
Road/s	<b>Road Hierarchy</b>	
First Avenue	Major Urban Collector	
Easements	An easement exists over the southern and western (frontage) swale areas.	
Significant Site Features:	Opposite the site to the west is vacant rural land which contains a tributary of Kingaroy Creek.	
Topography:	The site is relatively flat, having a minimal fall from east to west falling generally towards the existing swales drains along the southern boundary and across the frontage.	
Surrounding Land Uses:	<b>Land Use</b>	<b>Zone/Precinct</b>
North	South Burnett National Show Society; and Kingaroy State High School and	Community facilities/CF3 Community Infrastructure; and Community facilities/CF1 Education
South	Kewpie Steel Sales and other industrial activities	Medium Impact Industry
East	BGA Agri Services; and Residential properties	Medium Impact Industry; and Low density Residential
West	Vacant Rural Land; and Hy-Tec Industries	Rural; and Medium Impact Industry
 <p>Figure 1 -- Source: Applicant's Planning Report</p>		

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**Background / Site History**

APPLICATION NO.	DEVELOPMENT & DECISION & DATE
IR1273672	Subdivision 1 lot into 2 lots – Approved on 16 July 2012 Survey plan sealed on 26 July 2013

**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:	Important agricultural land and SFM Land Use – Urban
Zone:	Medium Impact Industry
Precinct:	Nil

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Strategic Framework

The Strategic Framework considers the following matters:

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

The Strategic Framework forms part of the Assessment Benchmarks. The *Planning Act 2016* requires that impact assessable applications be assessed against the Assessment Benchmarks.

The location of the development is on the edge of the industrial estate to the south-west of Kingaroy Township. The Bulk landscape supplies is considered a consistent and expected land use in the urban zone.

Given that the Bulk landscape supplies is not for an industrial purpose within the Medium Impact Industry zone, consideration must be given to the Strategic Framework Themes.

**Settlement Pattern**

*(10) Industry is located and designed to minimise impacts and where appropriate, to minimise visual intrusion into rural landscapes or town/rural fringes. Inherently noisy activities are to be separated from areas and land uses where the expectation is for a quieter environment. Expansion beyond zoned industrial areas is discouraged unless there is an overriding planning need.*

*(11) The proliferation of commercial and light industry uses in residential areas is discouraged, with non-residential uses in these areas limited to providing local neighbourhood services.*

The proposed development is separated from other non-industrial uses and is not considered to cause significant adverse amenity or character impacts in this location. In particular, there is an existing concrete batching plant located to the west of the property which would adjoins smaller rural lots suitable for residential use and possibly have the ability to generate amenity impacts of its own.

As stated above the proposed development is located on the fringe of existing Medium Impact Industry Zone which is separated from residential zoned land. Heavy vehicular movements will be restricted to the south which will reduce conflict between heavy vehicles and local daily traffic.

Due to the configuration and site cover of the proposed bulk landscape supplies ie. 62 bins (non-permanent or easily removed) future development for designated industrial type land activities will not be compromised should the activity cease.

**Strong Economy**

*(1) The Region's economy is founded on strength and diversity of industry and service provision that capitalises on its location advantages and natural assets, improving the Region's employment opportunities and maximising regional economic activity.*

The development is considered to be appropriately located contributing to the region's economy by servicing local residents and other commercial and industrial developments within the immediate locality and South Burnett Regional Council.

It is considered appropriate given that even though the bulk landscape supplies development is not defined as an industrial land use the development is not considered to compromise the future use of the premises for industrial land activities. The proposed development includes three (3) relatively small industrial style buildings and larger gravel pavement area with locatable bin storages.



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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:

<b>OVERALL OUTCOMES</b>	
<b>MEDIUM IMPACT INDUSTRY</b>	
<i>a) Land is to be provided at Murgon, Wondai, Kingaroy and Nanango for a wide range of industrial, manufacturing and storage activities with potential to create new employment which are not readily accommodated in the Low Impact Industry Zone because of greater land requirements or more intensive operating characteristics.</i>	
This industrial zoned land is on the fringe of existing Medium impact industry zone in Kingaroy. The business will employ a number of local residents or new residents to the area. There is sufficient land available to undertake the activity whilst providing a range and variety of materials to service the local area.	
<i>b) Uses and works are located, designed, screened or buffered and managed to maintain safety to people, avoid adverse effects on the natural environment and minimise impacts on adjacent non-industrial land.</i>	
While the development triggers an impact assessable application it is not considered to be an inconsistent use in the Medium impact industry zone. As stated previously, located on the fringe of the urban area and industrial zoned land within rural and industrial land fabric the proposal is sufficiently separated from the residential land further to the north so as to limit the potential for impacts on the rural residential amenity. Any hazardous materials or fertilisers etc will not be permitted to be stored in the bins and must be stored in the industrial sheds should the site be subject to inundation.  There is an existing swale drain surrounding the property which carries stormwater into a tributary of Kingaroy Creek away from the property which connects into the Stuart River.	
<i>c) Non-industrial uses, such as offices and retail uses, which are ancillary to and directly support the industrial area may be appropriate.</i>	
The proposed development consists of:- - 45sqm office; - 54sqm dry store; - 294sqm 4 bay workshop.  These buildings are of minor size and nature and complimentary to the designated bulk bin storage area.	
<i>d) Development maximises the use of existing transport infrastructure and has access to the appropriate level of transport infrastructure but does not compromise the efficiency of the local and State-controlled road network.</i>	
It is expected that heavy vehicles eg. Semi-trailers will deliver the material to the site and use trucks to deliver materials to customers. All heavy vehicle movements will be restricted to the south onto the River Road roundabout. No heavy vehicle truck movements are to occur to the north through the residential zoned land.	
<i>e) The scale, character and built form of development contributes to a high standard of amenity.</i>	
The proposed development will not be out of character in this industrial locality and has sufficient area suitable for landscaping and improvements.	
<i>f) Development is provided with appropriate infrastructure and essential services.</i>	
The property has access to stormwater, water and sewerage networks.	
<i>g) The viability of both existing and future medium impact industry uses is protected from the intrusion of incompatible uses.</i>	
It is considered appropriate given that even though the bulk landscape supplies development is not defined as an industrial land use the development is not considered to compromise the future use of the premises for industrial land activities. The proposed development includes three (3) relatively small industrial style buildings and larger gravel pavement area with locatable bin storages.	

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<p><i>h) Development is reflective of and responsive to the environmental constraints and hazards of the land.</i></p> <p>The applicant has stated the development has been designed considering the flooding constraint locating the bin storages to the rear of the property and proposed buildings to be constructed above the expected flood level.</p>	
<p><i>i) Sites that are contaminated or pose a health risk from prior activities are remediated prior to being developed for sensitive land use (as defined in the Regulation).</i></p> <p>No formal search was undertaken however, information Council has access to indicated that the site is identified as a contaminated land under Lot 9 on RP215146 for a notifiable activity for pesticide storage.</p>	
<p><i>j) Industrial uses are adequately separated from sensitive land use (as defined in the Regulation) to minimise the likelihood of environmental harm or environmental nuisance occurring.</i></p> <p>The site not directly adjacent to the Kingaroy State High School (sensitive land use). The site is separated from the Kingaroy Show Society by on-site swale drains. Bin storages are to be enclosed on three sides and not be open to the swale drains. Conditions relating to odour and dust will be imposed to consider any potential impact generated from within the boundary of the property.</p>	
<p><i>k) Service and low-impact industry uses may be appropriate where they are not detrimentally affected by or compromise the operations of medium impact industry uses.</i></p> <p>Not applicable.</p>	
<p><i>l) Where land adjoins or is directly visible and close to, residential areas or other sensitive receptors, higher standards of siting, design, environmental performance, buffering and screening will apply.</i></p> <p>Refer to response to item j.</p>	
<p><i>m) Sites fronting major thoroughfares provide a high standard of visual presentation.</i></p> <p>The property is not adjacent to or nearby major thoroughfares however, the applicant proposes to undertake landscaping to the property frontage softening the industrial like appearance.</p>	
<p><i>n) Activities generating high volumes of traffic, particularly heavy vehicle traffic, are located in areas having direct access to the major road network or access other than through residential areas or other sensitive receptors.</i></p> <p>Heavy vehicle movements will be restricted to the south of the property and it is anticipated that heavy vehicular movements associated with the business would be less than what a medium impact industrial land activity would be eg. Sawmilling, transport depot, recycling etc.</p> <p>There could possibly be a higher volume of domestic traffic that access the property but it is not considered excessive for the residential area to the north of the site.</p>	
<p><i>o) Higher order commercial uses are inconsistent with the purpose of this zone and should be located in the appropriate centre zone.</i></p> <p>Not applicable.</p>	
<b>PERFORMANCE OUTCOME</b>	<b>ACCEPTABLE OUTCOME</b>
<p><b>PO1</b> Buildings are of a scale that is consistent with the surrounding built form, streetscape and civic spaces.</p>	<p><b>Complies</b> - There are three buildings setback further than the building to the south of the subject site. The buildings are well spaced and located in areas where required ie. office near customer parking, industrial shed to the rear for machinery storage etc and dry store near the office.</p>
<p><b>PO2</b> Buildings are sited to achieve an acceptable standard of visual amenity.</p>	<p><b>Complies</b> – refer above.</p>
<p><b>PO3</b> Development presents a high-quality appearance when viewed from public areas.</p>	<p><b>Complies</b> – While the office is setback further from First Avenue additional landscaping will be incorporated into the development softening the appearance of the activity to be carried out on site.</p>
<p><b>PO4</b> Development is to be adequately serviced.</p>	<p><b>Complies</b> – Subject property has access to Council's stormwater, water and sewerage network.</p> <p>Detailed design will be required as part of the operational works development application.</p>

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	<p>During preliminary assessment of the proposed development Council's Development Engineer raised concern regarding the safety of the access in relation to the vertical drop off at the outlet of the existing culverts at the same location due to the increase in vehicular movements.</p>
<p><b>PO5</b> Landscaping is provided to enhance the established streetscape, protect visual amenity, preserve sight lines and offer effective screening of unsightly activities.</p>	<p><b>Complies</b> – The applicant proposes to landscape in excess of the minimum 3% requirement excluding the existing swale drains.</p> <p>Conditions relating to a suitable landscape design to be imposed relevant to the land use and existing streetscape.</p>
<p><b>PO6</b> Site access facilitates the efficient, effective, safe and convenient functioning of transport infrastructure.</p>	<p><b>Complies</b> – Access will be obtained from First Avenue street frontage however, as stated in response to PO4 additional information from the applicant is sought in relation to the safety of the existing access for the increase in vehicular movements to and from the property.</p>
<p><b>PO7</b> Development does not adversely affect the safety and security of people and property.</p>	<p><b>Complies</b> – The property is within the Medium impact industry zone and any hazardous materials are to be kept within the confines of the workshop as indicated by the applicant.</p> <p>There is designated parking next to the office and conditions will be imposed on the development indicating the flow of traffic around the site in a clockwise direction for the safety of staff and customers.</p>
<p><b>PO8</b> Development minimises disturbance to the geotechnical, hydrological, and environmental characteristics of the site and its setting.</p>	<p><b>Complies</b> – Conditions will be imposed regarding nuisance and all bins will be conditioned to be enclosed on the side all three sides in particular ones that are adjacent to the swale drains reducing any potential to contaminate.</p> <p>Washdown areas to be discharged into Council's sewerage system not stormwater and any spills from bins to be cleaned up so as not to wash out or be dragged onto Council's road network.</p>
<p><b>PO9</b> Refuse storage areas are located for convenient collection, screened from public view and provided with facilities for self-contained cleaning.</p>	<p><b>Complies</b> – Domestic wheelie bin could be collected from roadway however, it is assumed that the proposed development may require commercial pickup and would therefore trigger a third party contractual arrangement.</p> <p>Condition relating to wheelie bin service to be imposed should the proposed development require the service.</p>
<p><b>PO10</b> Development is located and designed to ensure that land uses are not exposed to:                  (a) Areas that pose a health risk from previous activities; and                  (b) Unacceptable levels of contaminants.</p>	<p>The land is registered as a notifiable activity listed on the Environmental Management Register as Pesticides Storage.</p> <p>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 <u>EMR or CLR</u>."</p> <p>The applicant is to ensure that future development does not pose a health risk from the previous activities.</p>

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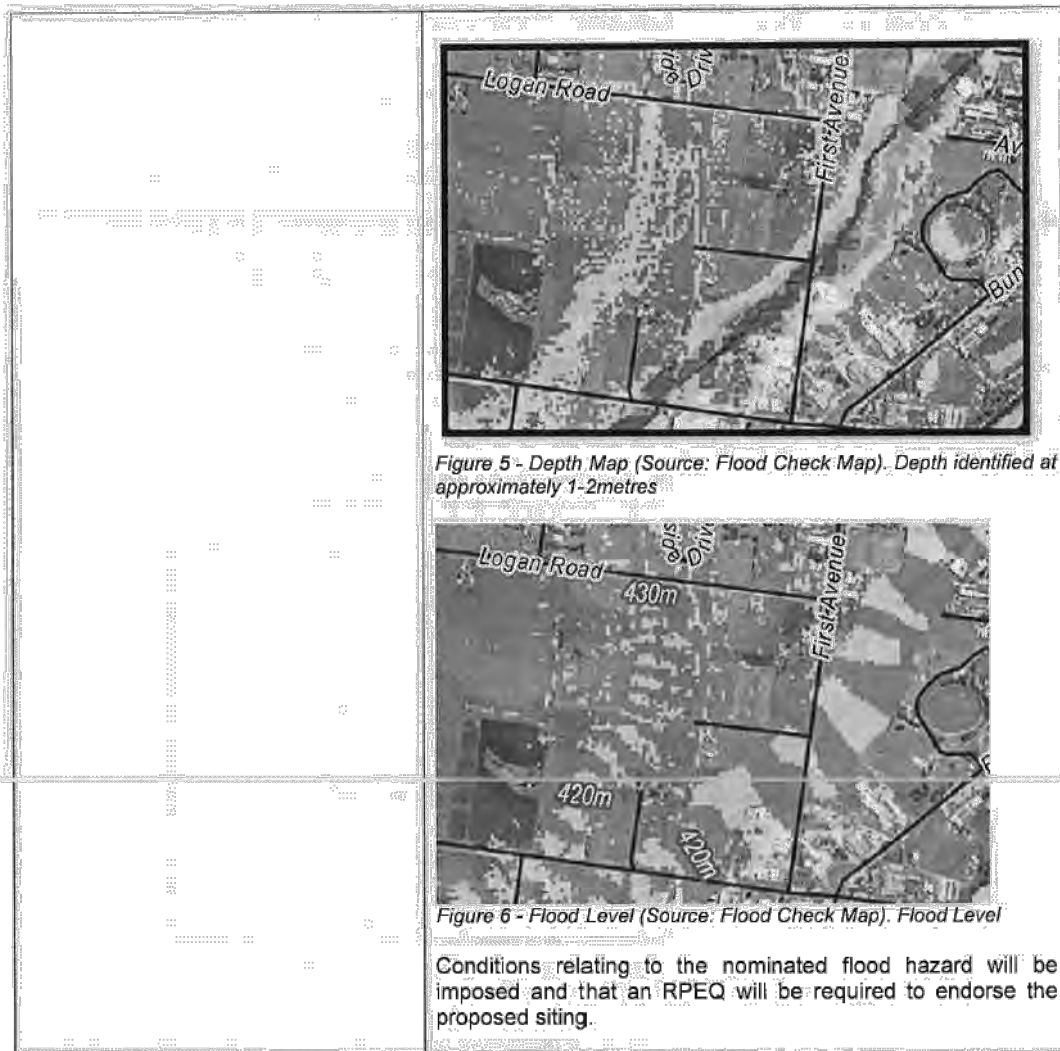
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<p><b>PO11</b> Offices and sales activities are ancillary to and directly support the industrial use of the site.</p>	<p><b>Complies</b> - The proposed development consists of:-</p> <ul style="list-style-type: none"> <li>- 45sqm office;</li> <li>- 54sqm dry store;</li> <li>- 294sqm 4 bay workshop.</li> </ul> <p>These buildings are of minor size and nature and complimentary to the designated bulk bin storage area.</p>
<p><b>PO12</b> Business activities are established at accessible locations and limited to small-scale outlets that provide goods and services for local industries and employees.</p>	<p><b>Complies</b> – The proposed development is of a scale and nature which can be accommodated in the Medium impact industry zone which satisfies the performance outcome indicated which supports alternate business activities.</p>
<p><b>PO23</b> Development is not exposed to risk from flood events by responding to flood potential and maintains personal safety at all times.</p>	<p><b>Complies</b> – The land is partly affected by the flood hazard overlay. New buildings located within the area nominated as flood hazard propose to be situated above the minimum flood level.</p> <p>On the Flood check website the subject land is outside of the Level 1 Floodplain (refer to image below)</p>  <p><i>Figure 3 - Flood Check Map (Source: Flood Check Map). Property identified by blue dot</i></p>
	<p>Level 2 Investigations as part of the Qld Flood Commission of Inquiry included small tributaries draining through Kingaroy towards the Stuart River including Kingaroy Creek from the south-east and two further tributaries from the north and east.</p> <p>The flood mapping and modelling is primarily intended for emergency management planning and response:</p>  <p><i>Figure 4 - Hazard Map (Source: Flood Check Map). Property identified in Extreme Flood Hazard</i></p>

Approved by Delegated Authority:



Date: 04/12/2020



SERVICES AND WORKS CODE	PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME
	<b>PO1</b> The development is planned and designed considering the land use constraints of the site for achieving stormwater design objectives.	To be conditioned in accordance with the Stormwater management design objectives.
	<b>PO2</b> Development does not discharge wastewater to a waterway or off-site unless demonstrated to be best practice environmental management for that site.	Refer above.
	<b>PO3</b> Construction activities avoid or minimise adverse impacts on stormwater quality.	Refer above.
	<b>PO4</b> Operational activities avoid or minimise changes to waterway hydrology from adverse impacts of altered stormwater quality and flow.	Refer above.
	<b>PO5</b> 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.	To be conditioned.  During preliminary assessment of the proposed development Council's Development Engineer raised concern regarding the safety of the access in relation to the vertical drop off at the outlet of the existing culverts at the same location due to the increase in vehicular movements.

Approved by Delegated Authority:



Date: 04/12/2020

<p><b>PO6</b> Vehicle parking and access is provided to meet the needs of occupants, employees, visitors and other users.</p>	<p>To be conditioned.</p> <p>1 space per 150sqm total use area (minimum of 6 spaces required) with area for AV Service Vehicle.</p> <p>Total use area is 3,283sqm resulting in 22 parking spaces required.</p> <p>This may be considered excessive in this instance as the proposed development does not include retail for example Garden centre which requires the same number of spaces.</p> <p>It would be envisaged that some customer would visit the site and look at the gravel display area and make a decision to come back to purchase and other customer who will drive to the business, park near office, pay for the required material, load material at the bin and leave the premises following the flow of on-site traffic.</p> <p>Refer to comment against PO5 regarding site access.</p>
<p><b>PO7</b> Landscaping is appropriate to the setting and enhances local character and amenity.</p>	<p>To be conditioned.</p>
<p><b>PO8</b> Plant species avoid adverse impacts on the natural and built environment, infrastructure and the safety of road networks.</p>	<p>Refer above.</p>
<p><b>PO9</b> Development results in ground levels that retain: (a) access to natural light; (b) aesthetic amenity; (c) privacy; and (d) safety.</p>	<p>To be conditioned in relation to flood hazard.</p>
<p><b>PO10</b> Filling or excavation does not cause damage to public utilities.</p>	<p>To be conditioned.</p>
<p><b>PO11</b> Filling and excavation avoids water ponding on the premises or nearby premises that will adversely impact on the health of the community.</p>	<p>To be conditioned.</p> <p>On-site filling will to be designed to drain freely to the existing swale drains.</p>
<p><b>PO12 to PO14</b></p>	<p>Not applicable.</p>
<p><b>PO15</b> Development directly, indirectly and cumulatively avoids any significant increase in water flow, velocity or flood level, and does not increase the potential for flood damage either on site or other properties.</p>	<p>To be conditioned.</p>
<p><b>PO16 to PO18</b></p>	<p>Not applicable.</p>

**Local Categorising Instrument - Variation Approval**

Not applicable.

**Local Categorising Instrument - Temporary Local Planning Instrument**

Not applicable.

**Other Relevant Matters**

Not applicable.

Approved by Delegated Authority:



Date: 04/12/2020

**Locality Plan**



Figure 7 - Aerial Image (Source: Qld Globe)

Approved by Delegated Authority:



Date: 04/12/2020

**Aerial Plan**

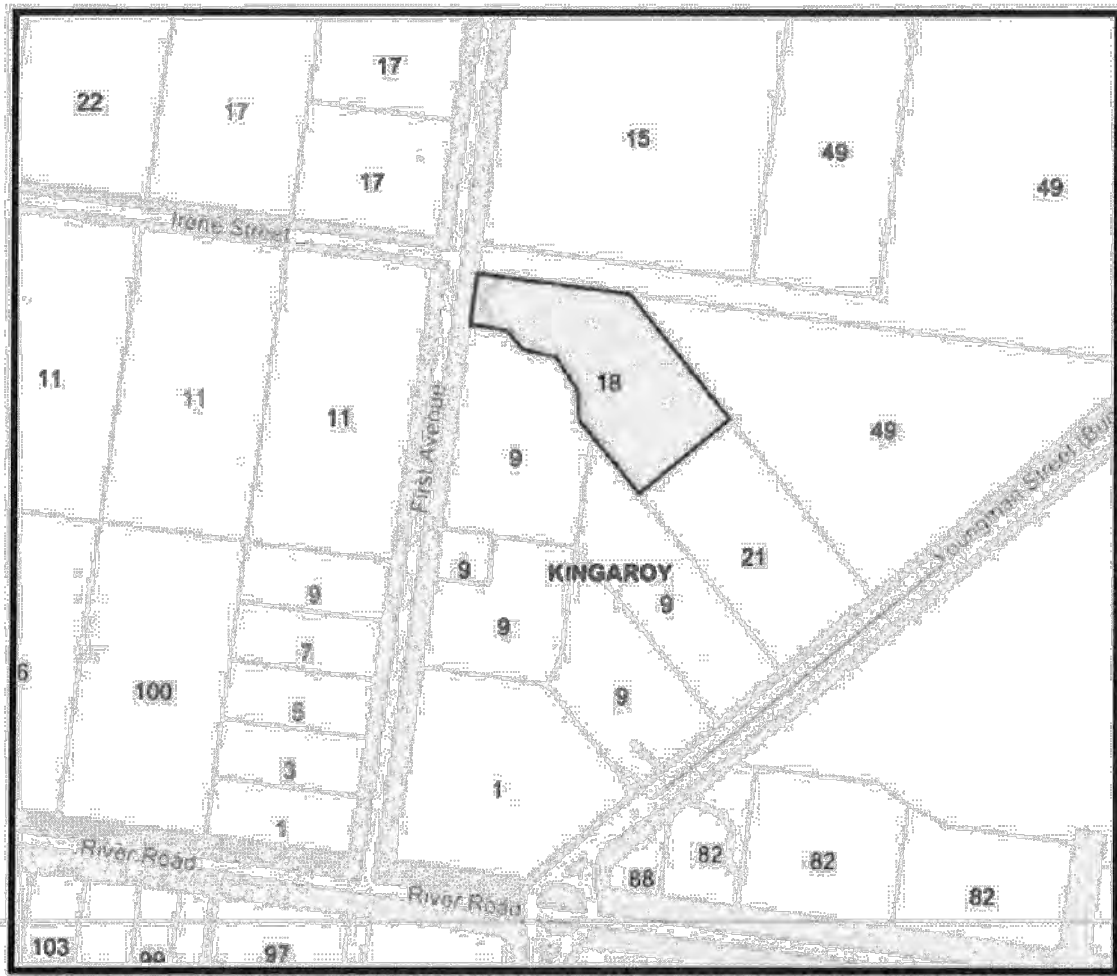


Figure 8 - Locality Plan (Source: IntraMaps)



Approved by Delegated Authority


Date: 04/12/2020

**CONSULTATION:**

**Referral Agencies**

Nil.

**Other Referrals**

INTERNAL REFERRAL SPECIALIST	REFERRAL / RESPONSE
Development Engineer	<p>Provided conditions relevant to the development application.</p> <p><b>Roadworks Condition</b>                      ENG25 – The existing access is located directly opposite the large box culverts that outlet under First Ave. An assessment of the safety of the access was requested in the RFI, because if a vehicle is propped to turn right into the site, a following vehicle may attempt to pass the propped vehicle and end up in the creek. The creek/culverts are not well delineated, sufficient clear zone is not available, and it is unlikely that a car could pass safely due to a lack of width. We received a response from the applicant that the existing access location was previously approved by Council, and that no further works should be required. We do not concur with this response, as at the time of the subdivision and the construction of the access, the use of the site was unknown. The improvement are proposed as a use has now been identified, and it is considered that the improvements to the culvert are required to accommodate this use.</p>
	<p>Due to safety issues, the condition requires a road safety auditor to provide an assessment of the access location, and determine if there is risk to motorists. If there is a risk, the applicant is required to extend the culverts, and widen the road, to provide the ability for vehicles to safely pass.</p>  <p><i>Figure 9 - Source: Development Engineer</i></p>
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> <ol style="list-style-type: none"> <li>Reconfiguring a lot;</li> <li>Making a material change of use; and</li> <li>Carrying out building work.</li> </ol>

Approved by Delegated Authority:



Date: 04/12/2020

	<p>The charges calculations have been based on the Commercial (Bulk Goods) rate from Table 2.2 of the Charges Resolution.</p> <p>For the calculation of the discount, Section 3.0 of the charges Resolution allows a credit for development that can be lawfully carried out without the need for a further development permit (Section 3.1 (b)).</p> <p>Low Impact Industry and Medium Impact Industry uses can operate on the site without approval (subject to development requirements). These uses fall under the Other Industry category in the Charges Resolution (Table 2.2), and hence this rate has been applied to calculate a discount of \$15,010. As part of the previous subdivision, the applicant paid a headworks contribution of \$7,164.81. The larger of the two amounts has been applied for the discount. (refer to Attachment A).</p>
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**Public Notification**

The Notice of Compliance was received by Council on 2 November 2020. The information attached to the notice confirms that the public notification of the application was undertaken in accordance with the requirements of Part 4 of the *Planning Act 2016*. The Notice of Compliance states the public notification included:

- Publishing a notice in the South Burnett Times on Tuesday 6 October 2020;
- Place a notice on the land from Tuesday 6 October 2020; and
- Notifying owners of all land adjoining the site on Friday 2 October 2020.

No submissions were received objecting to or supporting the proposed development.

**CONCLUSION:**

Overall, the proposal is considered appropriate given the location and zoning of the subject site and can be conditioned to mitigate the potential for adverse impacts on adjoining properties.

**RECOMMENDATION:**

It is recommended that the development application for a Material Change of Use – Development Permit for Bulk landscape supplies at 18 First Avenue, Kingaroy (and described as Lot 1.1 on SP257284) be approved subject to reasonable and relevant conditions pursuant to Section 60 of the *Planning Act 2016*.

Approved by Delegated Authority:



Date: 04/12/2020

**ATTACHMENTS**

**Nil**

Approved by Delegated Authority:



Date: 04/12/2020

**ATTACHMENT B**

**INFRASTRUCTURE CHARGES NOTICE**

**INFRASTRUCTURE CHARGES NOTICE**

*(Section 119 of the Planning Act 2016)*

**APPLICANT:**

Bean Growers Australia Limited  
 C/- Adamson Town Planning  
 PO Box 78  
 Perigian Beach Q 4573

**APPLICATION:**

Material Change of Use - Bulk Landscaping Supplies

**DATE:**

4 December 2020

**FILE REFERENCE:**

MCU20/0014

**AMOUNT OF THE LEVIED CHARGE:**

**\$25,280.00 Total**

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

\$12,245.00	Water Supply Network
\$6,715.00	Sewerage Network
\$6,320.00	Transport Network
\$0.00	Parks and Land for Community Facilities Network
\$0.00	Stormwater Network

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

**LAND TO WHICH CHARGE APPLIES:** Lot 11 SP257284

**SITE ADDRESS:** 18 First Avenue, Kingaroy

**PAYABLE TO:** South Burnett Regional Council

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

**OFFSET OR REFUND:** Not Applicable.

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

Approved by Delegated Authority:



Date: 04/12/2020

**DETAILS OF CALCULATION**

**Water Supply**

**Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial Bulk Goods (Bulk Landscaping Supplies)	395	GFA	\$49.00	CR Table 2.2	\$19,355.00

**Discounts\***

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Accepted Development (Other Industry)	395	GFA	\$18.00	CR Table 2.2	\$7,110.00

**Sewerage**

**Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial Bulk Goods (Bulk Landscaping Supplies)	395	GFA	\$27.00	CR Table 2.2	\$10,665.00

**Discounts\***

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Accepted Development (Other Industry)	395	GFA	\$10.00	CR Table 2.2	\$3,950.00

**Transport**

**Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial Bulk Goods (Bulk Landscaping Supplies)	395	GFA	\$24.00	CR Table 2.2	\$9,480.00

Approved by Delegated Authority:



Date: 04/12/2020

**Discounts\***

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Accepted Development (Other Industry)	395	GFA	\$8.00	CR Table 2.2	\$3,160.00

**Parks and Land for Community Facilities**

**Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial Bulk Goods (Bulk Landscaping Supplies)	395	GFA	\$0.00	CR Table 2.2	\$0.00

**Discounts\***

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Accepted Development (Other Industry)	395	GFA	\$0.00	CR Table 2.2	\$0.00

**Stormwater**

**Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial Bulk Goods (Bulk Landscaping Supplies)	395	GFA	\$2.00	CR Table 2.2	\$790.00

**Discounts\***

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Accepted Development (Other Industry)	395	GFA	\$2.00	CR Table 2.2	\$790.00

Approved by Delegated Authority:



Date: 04/12/2020

**Levied Charges**

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Commercial Goods: Landscaping Supplies)	Bulk (Bulk: \$12,245.00	\$6,715.00	\$6,320.00	\$0.00	\$0.00	\$25,280.00
<b>Total</b>	<b>\$12,245.00</b>	<b>\$6,715.00</b>	<b>\$6,320.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$25,280.00</b>

*\*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: 04/12/2020

**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 average<sup>1</sup>. 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.

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**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](mailto: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;

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<sup>1</sup> 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: 04/12/2020

- 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](mailto:info@southburnett.qld.gov.au)

Approved by Delegated Authority:



Date: 04/12/2020

**ATTACHMENT C – STATEMENT OF REASONS**

**NOTICE ABOUT DECISION – STATEMENT OF REASONS**

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

<b>SITE DETAILS</b>	
<b>Street Address:</b>	18 First Avenue, Kingaroy
<b>RP Description</b>	Lot 11 SP257284
<b>Site Area</b>	11.9ha

<b>PROPOSED DEVELOPMENT</b>	
<b>Name of Applicant</b>	Adamson Town Planning
<b>Type of Application</b>	Material Change of Use – Bulk Landscaping Supplies
<b>Application No</b>	MCU20/0014
<b>Level of Assessment</b>	Impact
<b>Decision</b>	Approved
<b>Decision Date</b>	04 December 2020

**1. Assessment Benchmarks**

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

- Medium impact industry zone code;
- Overlays; and
- Services and works Code.

**3. Reasons for the Decision**

The reasons for this decision are:-

- = The proposed material change of use for an Bulk landscape supplies is considered an appropriate land use for a site located within the Medium impact industry zone.
- = The development has been designed and sited in accordance with the Planning Scheme assessment benchmarks;
- = Suitable landscaping has been conditioned to compliment the development and improve the 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 industrial 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: 04/12/2020

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Approved by Delegated Authority:



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Date: 04/12/2020

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SITE DETAILS	
Street Address:	18 First Avenue, Kingaroy
RP Description	Lot 11 SP257284
Site Area	11.9ha

PROPOSED DEVELOPMENT	
Name of Applicant	Adamson Town Planning
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Application No	MCU20/0014
Level of Assessment	Impact
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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.

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**18 CONFIDENTIAL SECTION**

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**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 Performance Review Chief Executive Officer - 2020**

This matter is considered to be confidential under Section 254J - b 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 industrial matters affecting employees.

**18.2 Assessment of Tender SBRC 20/21-05 - Kingaroy Sewer Renewals**

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**