

ENG32. Construct commercial standard crossovers between the property boundary and the edge of the Rogers Drive Road pavement, having a minimum width of 7 metres at the entry, and 9 metres at the exit, generally in accordance with IPWEAQ Std Dwg RS-051, Rev F. Ensure that crossover splay is designed to accommodate turning movements of an Articulated Vehicle.

ENG33. Provide 'No Entry' linemarking on the exit access generally in accordance with Verve Drawing No. 18119-DA01 Rev N.

ENG34. Where a crossover/access adjoins a footpath, the maximum footpath crossfall of 2.5% shall be provided for the width of the footpath across the crossover/access.

ENG35. Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure (e.g. power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).

REDUNDANT CROSSOVERS

ENG36. Remove all redundant crossovers and reinstate the kerb and channel, road pavement, services, verge and any footpath to the standard immediately adjacent along the frontage of the site.

ROADWORKS - SIGNAGE

ENG37. At the 'Exit Driveway', install R2-4 "No Entry" signage as specified in the Manual of Uniform Traffic Control Devices – Part 13: Local Area Traffic Management.

PEDESTRIAN FOOTPATH

ENG38. Construct a 1.5-metre-wide footpath along the Rogers Drive frontage, per Verve Drawing No. 18119-DA01 Rev N in accordance with IPWEAQ Standard Drawing No. RS-065.

ROADWORKS AND PEDESTRIAN SAFETY

ENG39. Install signage for all works on or near roadways in accordance with the Manual for Uniform Traffic Control Devices – Part 3, Works on Roads.

ENG40. 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.

ENG41. Maintain safe pedestrian access along Council's footpaths at all times.

ELECTRICITY AND TELECOMMUNICATION

ENG42. Connect the development to electricity and telecommunication services.

EARTHWORKS - GENERAL

ENG43. Earthworks per site involving cut or fill greater than 1m, or with a nett quantity of material greater than 50m³, requires an Operational Work application.

ENG44. Undertake earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.

EROSION AND SEDIMENT CONTROL - GENERAL

ENG45. 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.

ENG46. 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**APPEAL RIGHTS**

ADV1. Attached for your information is a copy of Chapter 6 of the Planning Act 2016 as regards Appeal Rights.

INFRASTRUCTURE CHARGES

ADV2. Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 119 of the *Planning Act 2016*.

DEVELOPER INCENTIVE

ADV3. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 31 December 2023. Eligible development under this scheme is required to be completed by 31 December 2023.

For further information or application form please refer to the rules and procedures available on Council's website.

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.

CONCURRENCE AGENCY

ADV5. SARA has imposed conditions on the development permit as attached as Attachment A.

FINANCIAL AND RESOURCE IMPLICATIONS

NIL identified by the Council in their decision

LINK TO CORPORATE/OPERATIONAL PLAN

Growing our Region's Economy and Prosperity

- GR8 Support and advocate for appropriate growth and development with responsive planning schemes, process, customer service and other initiatives.

COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)

Refer to CONSULTATION in this report.

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

- The decision may be appealed by properly made submitters in accordance with their rights under the Planning Act 2016. It will be the Council's responsibility to enter into appeal proceedings as a party to an appeal;
- The applicant may appeal conditions of Councils decision;
- The applicant may appeal infrastructure charges levied by Council.

No advice can be provided with regards to risk by the recommending officer.

POLICY/LOCAL LAW/DELEGATION IMPLICATIONS

- Yes- there are policy implications for the loss of Specialised Centre Land within the South Burnett Planning Scheme being the ONLY location zoned for Specialised Centre purposes within the entire region. The loss of land for Specialised Centre for Service Station use results in a loss of available land across the region and strategically triggers a review of Council's strategic framework and zoning pattern in Kingaroy as the loss of this specifically zoned land is not assessed to be for any overriding community need or community benefit.

ASSET MANAGEMENT IMPLICATIONS

- No implication can be identified. The use will require upgrades to public utilities which will be Council assets upon completion of the development as per the ordinary requirements of standard conditions of development approval.



The service station is not supported and shall be an area that is grassed and maintained for any future redevelopment proposal. This site plan is indicative and shall be amended to reflect the decision made.



agla

LANDSCAPE CONCERN PLAN

0-0

agla

PROPOSED PLANTING SCHEDULE



Plant Name	Quantity	Planting Date	Notes
...
...
...
...

agla

...



REPORT

The applicant seeks approval for a development permit for a Material Change of Use - Service Station/Food & Drink Outlet/Showroom.

APPLICATION SUMMARY	
Applicant:	Property Opportunities Holdings Pty Ltd C/- Adams & Sparkes Town Planning
Proposal:	Material Change of Use - Service Station/Food & Drink Outlet/Showroom
Properly Made Date:	28 September 2020
Applicant made change to the application date:	30 June 2022
Street Address:	Rogers Drive, Kingaroy
RP Description:	Lot 5 on SP112069
Assessment Type:	Impact
Number of Submissions:	Three (3) submissions were received
State Referral Agencies:	State Assessment and Referral Agency (SARA)
Referred Internal Specialists:	Development engineer
Decision Making Period Ends:	21 st December 2022

DEVELOPMENT DESCRIPTION

This decision report relies on the **change application plans lodged by the applicant** on the 30 June 2022 that was lodged prior to the application being publicly notified.

The plans for the subject development include a United service station with an ancillary drive-thru "Pie-Face" food and drink outlet, together with a Spotlight retail showroom with a total combined gross floor area of 1797m².

The proposed redevelopment of the subject land involves:

- (a) the construction of a new service station (convenience retail) with a gross floor area of 297 square metres, with and ancillary food and drink outlet that includes a drive through facility;
- (b) a fuel canopy and re-fuelling area with 3 re-fuelling islands and a total of 6 bowsers served by 3 underground storage tanks, filling points and fuel vents;
- (c) refuse bays for the collection of refuse along with an enclosed refuse storage areas adjoining the proposed service station shop and between the showroom tenancy;
- (e) On site car-parking as follows –

	Provided	Required by Planning Scheme
Service Station	5	5
Showroom	75	58

- (g) Two (2) new vehicular accesses from Council controlled Road Rogers Drive

Access 1 (northern)	Both entry and exit
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Access 2 (southern)	Exit only
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- (h) landscaping areas of 870m²
- (i) 24-hour operation for the service station
- (j) the construction of a retail showroom tenancy for 'Spotlight', with a gross floor area of 1500sqm

FIGURE 2.2: Subject Development Plans





Figure 3 Development Perspective (Source: Varis Building Design)



Figure 4 Development Perspective (Source: Varis Building Design)

SITE AND LOCALITY DESCRIPTION	
Land Area:	6460m2
Existing Use of Land:	vacant
Road Frontage:	Contains a frontage of approximately 83 metres to Rogers Drive
Road/s	Rogers Drive
Significant Site Features:	NIL
Topography:	The site is relatively level
Surrounding Land Uses:	North- truck storage yard South- D'Aguilar Hwy East- rural /rural-res (residential dwelling is 250m from the subject site) West- Hwy and Low impact industry uses
Services:	All urban services are available to the subject site.

SITE AND LOCALITY DEVELOPMENT AND PLANNING HISTORY

Relevant to the assessment of this application is the Specialised Centre Zone development history and surrounding land use context.

The below discusses the surrounding history reviewed in detailed as part of the assessment of this Impact assessable application.

The Specialised Centre zoned introduced in the South Burnett Regional Council Planning Scheme 2017 previously zoned Light industrial.

Except for (excluding) the subject site, there is 2.01 hectares of vacant land in the specialised centre in the Rogers Drive locality, amounting to approximately 20% of all specialised centre zoned land in the whole of the South Burnett Region remaining.



Figure 1 - IntraMaps

Specialised Centre zoned introduced in the South Burnett Regional Council Planning Scheme 2017. Previously the zone was Industrial with preferred use being Light Industry.



Figure 2 - Snip from Pdf Kingaroy Shire IPA Planning Scheme 2005 (Rogers Drive, Kingaroy – Industrial preferred land use of Light Industrial)

Site 1	Lot 10 on SP180642 (24-38 Rogers Drive, Kingaroy) – Mitre 10 (Shop, Warehouse and Office) Approved on 25 August 2005 as Service Industry under the Transitional Planning Scheme for the whole of the Shire of Kingaroy 1988-1998.
Site 2	<p>Lot 65 on SP208997 (14-18 Rogers Drive, Kingaroy) (amalgamation of Lots 18, 19 & 20 SP208997) – Harvey Norman and other tenancies (Retail Warehouse), Approved on 28 June 2007 – Negotiated Decision Notice 23 August 2007 under the Kingaroy Shire IPA Planning Scheme</p> <p>Tenancy Harvey Norman – 2,200sqm</p> <p>Tenancy 1 – 512sqm (Now shop for Bulky Chemist Warehouse)</p> <p>Tenancy 2 – 407sqm (Snap Fitness)</p> <p>Tenancy 3 – 407sqm (Land use BCF)</p> <p>Tenancy 4 – 391sqm (Land use BCF)</p> <hr/> <p>Request to change Retail showroom to shop for Tenancy 3 was refused on 5 November 2008 Appeal No. 317 of 2008</p> <p>Plans amended to reflect Approval for Shop of 510sqm within Tenancy 1 Court Final order (Chemist Warehouse for their “bulky” goods sold on premise with <u>small</u> portion of building used for retail)</p>
Site 3	Lot 66 on SP223319 (12 Rogers Drive, Kingaroy) – Car n Dog Wash (Car Washing Station), Approved on 23 April 2008 under Kingaroy Shire IPA Planning Scheme Extension to development issued 3 May 2013

Ordinary Council Meeting Agenda

14 December 2022

Site 4	Lot 6 on SP112069 – Milk Depot (Office, amenities, cold room and dock), under the Transitional Planning Scheme for the whole of the Shire of Kingaroy 1988-1998. Not subject to planning approval only car parking requirements Approved by Building Certifier in October 1998 with parking and access conditions etc
Site 5	Lot 2 on RP862347 (1 Rogers Drive, Kingaroy) – Motor Dealership, Approved under the Transitional Planning Scheme for the whole of the Shire of Kingaroy 1988-1998. Not subject to planning approval only car parking requirements Approved by Council in February 1996 General meeting.
Site 6	Lot 3 on RP862347 (19 Rogers Drive, Kingaroy) – Motor vehicle agency under the Transitional Planning Scheme for the whole of the Shire of Kingaroy 1988-1998. Not subject to planning approval only car parking requirements Approved by Council in January 1993 General meeting.
Site 7	Lot 4 on SP180642 (17 Rogers Drive, Kingaroy) – Car Dealership Extension (Showroom and Workshop) over 1, 17 and 19 Rogers Drive, Approved on 26 July 2018 under South Burnett Regional Council Planning Scheme 2017 Nb. Showroom accepted development in the Specialised Centre zone however Council deemed that the low impact portion of the development warranted assessment subject to public notification.
Site 8	Lot 8 on SP180642 (15 Rogers Drive, Kingaroy) – Lapsed Development Approval for Light Industrial and Retail (numerous extensions which resulted in last extension requested subsequently refused).
Site 9	Lot 25 on SP180642 (3 Rogers Drive, Kingaroy) – Reece Plumbing (Retail Warehouse), Approved 17 June 2010 under Kingaroy Shire IPA Planning Scheme

File summary

Electronic records commenced in different centres at different times. Please check the available files to ensure your search is effective.

Add to favourites Printable version

317/08 CALARDU KINGAROV PTY LTD -V- SOUTH BURNETT REGIONAL COUNCIL District

Originated in: Currently in: Proceeding type: Date filed: Next listing:

Related files

There are no Related files on this file.

Parties

Last/Company name	First name	ACN	Party role	Representative
CALARDU KINGAROV PTY LTD		123644744	Appellant	JPA LAW PLANNING LAWYERS
SOUTH BURNETT REGIONAL COUNCIL			Respondent	

Events

Date	Event type	Diary Type	Resource	Result
27/11/2009	Application Directions	Planning and Environment Applications	Robertson DCJ	Appeal Allowed

Documents

Doc no.	Date filed	Document type	Document description	Filed on behalf of	Pages
1	16/12/2008	Notice of Appeal		Appellant	
2	24/12/2008	Entry of Appearance		Respondent	
3	11/01/2009	Application	on 27/11/2009 - DCJ Robertson	Appellant	
4	18/11/2009	Affidavit	JC DAVIS	Appellant	
5	18/11/2009	Exhibit	ACD1	Appellant	
6	18/11/2009	Affidavit	J KINSELLA	Appellant	
7	18/11/2009	Exhibe	JK1	Appellant	
8	27/11/2009	Wait Order	DCJ Robertson 27/11/09	Appellant	
9	17/12/2009	Final Order	Appeal Allowed	Appellant	

4.0 APPLICATION TIMELINE

Important to the decision-making consideration of this report is the application process and timeline. The application timeline as per the development assessment rules is summarised in the table below with the key actions/happenings summarised accordingly. The council has facilitated every request the applicant has made during this impact assessable application that also required referral to the state assessment and referral agency.

This timeline is also provided for the benefit of any post decision making actions such as an appeal.

<p>Part 1 - Application</p> <ol style="list-style-type: none"> 28 September 2020 Applicant Application for Service Station, Food & Drink Outlet with drive through and Showroom properly made; 28 September 2020 Council confirmation notice issued; 29 September 2020 Council Amended confirmation notice issued; 29 September 2020 Applicant sent amended confirmation notice to SARA
<p>Part 2 - Referral</p> <ol style="list-style-type: none"> 30 September 2020 SARA Referral confirmation notice; 9 October 2020 SARA Information request;

Part 3 – Information request (Nb the applicant extended this period 6 times over a two-year period)

7. 12 October 2020 **Council** extended information request period
8. 13 October 2020 **Applicant** approved extension to information request period
9. 22 October 2020 **Council** issued Information request
10. 25 January 2021 **Applicant** 1st request 3mth extension to response to Information request period until 26 April 2021
11. 29 January 2021 **Council** endorsed applicant's 1st request extension until 26 April 2021
12. 22 April 2021 **Applicant** 2nd request 6 week extension to response to Information request period until 7 June 2021
13. 22 April 2021 **Council** endorsed applicant's 2nd request extension until 7 June 2021
14. 4 June 2021 **Applicant** issues stop current period notice for 10 business days unless notice is withdrawn
15. 9 June 2021 **SARA** approves applicant's request to extend information response period until 23 August 2021
16. 10 June 2021 **Applicant** 3rd request extension to response to Information request period until 23 August 2021
17. 16 June 2021 **Applicant** withdraws stop current period notice
18. 16 June 2021 **Council** endorsed applicant's 3rd request extension until 23 August 2021
19. 18 August 2021 **Applicant** 4th request extension to response to Information request period until 22 October 2021
20. 18 August 2021 **Council** endorsed applicant's 4th request extension until 17 December 2021
21. 18 October 2021 **SARA** approves applicant's request to extend information request response period until 17 December 2021
22. 25 November 2021 **Applicant** via email acknowledged protracted discussions with end users resulting in changes to proposed layout and sought a meeting with Council officers
23. 8 December 2021 Meeting held with applicant/consultant and Council staff including Council's consultant
24. 9 December 2021 **Applicant** 5th request extension to response to Information Request period until 31 March 2022
25. 10 December 2021 **Council** endorsed applicant's 5th request extension until 31 March 2022
26. 22 March 2022 **Applicant** 6th request extension to extend information request response period 30 June 2022
27. 29 March 2022 **Council** endorsed applicant's 6th request extension until 30 June 2022
28. 22 June 2022 **Council** provided applicant with adjoining land owners details for public notification stage
29. 27 June 2022 **Applicant** submitted response to Council's Information Request which included a Minor Change to Development Application
30. 27 June 2022 **Applicant** submitted response to SARA's information request

Part 4 – Public Notification

31. 1 July 2022 **Applicant** commenced public notification in Burnett Today ending 22 July 2022
32. 13 July 2022 **SARA** provided response with conditions of approval endorsing latest plan submitted as the response to Information Request
33. 21 July 2022 **Public Submission** received in objection
 - a. Visual buffer relief between commercial activity and adjoining rural land
34. 22 July 2022 **Public Submissions** received in objection
 - a. Conflicts with overall outcomes of specialised centre zone
 - b. Noncompliance with planning scheme
35. 23 July 2022 **Applicant** submitted Notice of compliance for public notification

Part 5 - Decision

36. 28 July 2022 Council officer contacted applicant via phone following up with an email regarding status of application
- a. Advising it appears that the changes proposed at time of commencement of public notification did not meet minor change and was not in response to Council's information request
 - b. Applicant to return application back to Part 1 of the DA Rules process however public notification is not required due to Tenancy 2 was part of the original application
 - c. Seeking confirmation from applicant about how they wish to proceed with the development application
37. 29 July 2022 **Applicant** responded to email/s
- a. Attesting that proposed Spotlight in Tenancy 2 is not a Shop and concludes that no changes to the development application are required
38. 3 August 2022 **Council** issued a Further advice letter to applicant outlining Council's position which was indicated to applicant on 28 July 2022
- a. Stating two submissions received
 - b. Proposal not supported as the development does not meet the overall outcomes of specialised centre zone and insufficient detail given to support proposal
39. 16 August 2022 **Applicant** submitted a notice to stop the current period for 50 business days unless otherwise withdrawn
40. 19 August 2022 Applicant advised to Council in correspondence that they will not respond to public objections to the application
41. 19 October 2022 **Applicant** provides a response to Council further issues with an economic need report prepared by Urban Economics consultants.
42. 20 October 2022 **Applicant** withdraws the stop current period notice, and the decision-making period resumes.
43. 14 November 2022 **Council** extends the decision-making period to meet committee meeting timeframes 21st December to allow the Council to decide the application.

ASSESSMENT:

As the development application is impact assessable, the exercise of the discretion must be based on an assessment that, relevantly:

(a) must be carried out:

- (i) against the assessment benchmarks in the South Burnett Planning Scheme 2017 version 1.4 (“the Planning Scheme”) to the extent relevant; and
- (ii) having regard to, relevantly, any lawful use of the premises and adjacent premises and the common material, including properly made submissions about the development application; and

(b) may be carried out against, or having regard to, any other relevant matter other than a person’s personal circumstances (financial or otherwise).

Categorising Instruments

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

<p>The Planning Regulation 2017</p>	<p>Yes – the Planning Regulation is an applicable categorising instrument for the purposes of assessing this application</p> <p>under section 68E of the Planning Regulation 2017 that on 24 February 2021, South Burnett Regional Council adopted an economic support instrument. The instrument is in effect until 31st December 2023</p> <p>Economic support provisions</p> <p>4.1. The instrument applies the following provisions in accordance with section 68D(1) of the <i>Planning Regulation 2017</i>:</p> <p>4.1.1. Part 8B, Division 3 – Development that requires code assessment;</p> <p>4.1.2. Schedule 6, Part 2, Section 7A – Particular material change of use involving an existing building; and</p> <p>4.1.3. Schedule 6, Part 2, Section 7B – Material change of use for home-based business in particular zones.</p> <p>The adopted instrument does not change the categories of development and assessment in the Planning Scheme v1.4</p>
<p>Planning Scheme for the local government area</p>	<p>Yes – the South Burnett Planning Scheme v1.4 makes development assessable development for a Service Station and Showroom in the Specialised Centre Zone</p>
<p>Local Categorising Instrument - Variation Approval</p>	<p>No – there is no variation approval that applies to this site.</p>
<p>Local Categorising Instrument - Temporary Local Planning Instrument</p>	<p>No - There are no Temporary Local Planning Instruments adopted by South Burnett Regional Council that apply.</p> <p>There are no State Temporary Local Planning Instruments that apply to the subject development or site.</p>

The planning assessment benchmarks relevant to this application are discussed in the following sections of this report.

5.2 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:	SPP 2017
WBB Regional Plan Designation:	<p>Wide Bay Burnett Regional Plan 2011 – Urban Footprint The Urban Footprint identifies land that can meet the region’s projected urban development needs to at least 2031.</p> <p>The Urban Footprint is a representation of:</p> <ul style="list-style-type: none"> • large urban communities, other communities recognised as being affected by growth pressures, and other areas recognised as the preferred locations for future growth; and, • lands surrounded by existing or proposed urban development, but which may not be an appropriate location for development (e.g. flood plains). <p>The Wide Bay Burnett Regional Plan 2011, currently being reviewed, identifies the township of Kingaroy as one of the key inland towns for the Wide Bay Burnett region, and together with Bundaberg, Gympie, Hervey Bay and Maryborough, is intended to provide a range of higher order services and functions for the urban communities and to support the region’s rural activities. More particularly, the Regional Plan identifies Kingaroy as a Major Regional Activity Centre within the South Burnett Regional Council area.</p>

State Planning Policy Part E	
<p>The State Planning Policy (July 2017) (SPP) commenced on the 3 July 2017 and is effective at the time of writing this report. The Planning Regulation 2017 (PR 2017) states the assessment must be carried out against the assessment benchmarks stated in Part E of the State Planning Policy to the extent Part E is not appropriately integrated into the planning scheme. The current planning scheme does not integrate SPP2017 and so an assessment of policies that are relevant is provided below</p>	
liveable communities and housing	No applicable assessment benchmarks
economic growth <ul style="list-style-type: none"> • Agriculture. • Development and construction. • Mining and extractive resources. • Tourism. 	No applicable assessment benchmarks
Planning for the environment and heritage. <ul style="list-style-type: none"> • Biodiversity. • Coastal environment. • Cultural heritage. • Water quality 	No applicable assessment benchmarks
safety and resilience to hazards	

<ul style="list-style-type: none"> • Emissions and hazardous activities. • Natural hazards, risk, and resilience. 	<p>The site is not subject to risks or hazards mapped by the SPP or the planning scheme of relevance to the assessment of the application.</p>
<p>infrastructure</p> <ul style="list-style-type: none"> • Energy and water supply. • Infrastructure integration. • Transport infrastructure. • Strategic airports and aviation facilities. • Strategic ports. 	<p>Complies.</p> <p>All appropriate residential services infrastructure and connections can be made and are conditioned as part of the approval.</p>

5.3 Assessment Benchmarks Pertaining to the Planning Scheme

The applicable planning scheme for the application is South Burnett Regional Council Version 1.4
 The following sections relate to the provisions of the Planning Scheme.

Planning Scheme:	South Burnett Regional Council Planning Scheme Version 1.4
Zone:	Specialised Centre Zone
Precinct:	Not applicable
Assessment Benchmarks:	Strategic Framework Specialised Centre Zone Code Infrastructure Code Services and Works Code Landscape Code

5.4 Assessment Benchmarks – Planning Scheme Codes

The pertinent issues arising out of assessment against the codes are discussed below:

<p>Strategic Framework</p> <p>The Strategic Framework of the South Burnett Regional Council Planning Scheme 2017, defined 6 themes around which the planning scheme and policy has been developed comprising:</p> <p>Settlement pattern</p> <ul style="list-style-type: none"> • Rural futures • Strong economy • Natural systems and sustainability • Strong communities • Infrastructure and servicing <p>Having regard to settlement pattern, Kingaroy is defined as a major regional centre, identified by the main township of Kingaroy and surrounding villages, with the Scheme also identifying a range of characteristics for and of Kingaroy including:</p> <p><i>(5) A well-defined and economically and socially valuable town centre. The town centre comprises of a comprehensive range of retail, commercial, cultural, entertainment and administrative facilities. Kingaroy Shoppingworld is the principal retail destination in the town centre and the protection of its viability is a priority. In the interests of maximising walkability, person-dependent retail and commercial activities are concentrated into a principal activity core. Opportunity exists for expansion of, and the establishment of a medical precinct focused on, the Kingaroy Hospital to provide specialist and ancillary activities. Fast food and large</i></p>
--

showroom activity has occurred along near-town stretches of the Bunya and D'Aguilar Highways, with concentrations of large retail showrooms in the Rogers Drive and River Road/Bunya Highway areas. This represents generally sound planning, and its continuation is facilitated provided the primacy of the town centre is retained. With an ample supply of existing zoned commercial land, expansion beyond zoned areas is not preferred unless there is an overriding planning need.

The Scheme also envisages the concentration of population growth and commercial activity within Kingaroy with the Kingaroy town centre to be the major retail and commercial centre for the region and except for the Rogers Drive retail warehouse precinct, "no additional centres are envisaged in the life of this planning scheme"

Showrooms are an accepted use in the Specialised Centre Zone of the Planning Scheme if they comply with assessment benchmarks. A service station is not anticipated in the zone and is subject to impact assessment.

It is noted that this precinct of zoned Specialised Centre Zone is the only area zoned as such within the whole South Burnett Region under the current planning scheme. Thus, making the precinct a limited one by virtue of being the only area with this zoning.

3.2.1 Strategic outcomes

(1) Forecasts suggest moderate growth throughout the Region, prompting incremental increases in urban growth areas around most towns. However, possible growth influences, such as that associated with the Bowen Basin, may occasion larger growth areas.

(2) Kingaroy will continue to accommodate the greater proportion of the Region's population, commercial development and major facilities.

3) Kingaroy develops as the main activity centre for the Region with the highest level of commercial, industrial, community and municipal services. Other towns develop at a scale that supports Kingaroy's role while providing a more localised level of service.

(4) Increases in population densities are facilitated where suitable access to services is available.

(5) Industrial, commercial and other high-employment generating activities are located in areas of high accessibility, but in a way that minimises their visual influence on the character of their host towns.

(6) The settlement pattern is well serviced by a range of safe and efficient transport options that promotes the accessibility and mobility of the wider community.

There are no specific strategic outcomes that provide relevant assessment benchmarks specific to this development or the specialised centre zone in Kingaroy.

<p>(7) The boundary between urban and rural areas is well-defined, particularly along the main approaches to Kingaroy and the other towns where that characteristic is already established. Further strip development is discouraged and buffering is utilised to minimise land use conflicts.</p> <p>(8) Rural villages provide country town lifestyle options, access to services, opportunities for employment and economic activity at a local level.</p> <p>(9) The Bunya Mountains village serves a primarily tourist function that will continue to be enhanced by its alpine village architectural character.</p> <p>(10) The risk to life and property from bushfire, flood, landslide and man-made hazards is avoided or mitigated.</p>	
<p>3.2.1.1 Specific outcomes</p> <p>(1) Urban growth is predominantly accommodated in identified broad-hectare sites. Although unlikely to be required in the life of this Planning Scheme, a long-term urban expansion area is shown to the north-west of Kingaroy on the basis that it is the most accessible land nearest the town.</p> <p>(2) Buffering is provided to adjoining rural lands at the urban edges that is satisfactory to minimise land use conflict and accommodate sufficient land for future expansion.</p> <p>(3) The Kingaroy town centre develops as the major business and retail area for the Region providing the highest order of commercial, community and cultural services and facilities. Expansion beyond zoned commercial areas is discouraged unless an overriding planning need can be demonstrated. To maximise walkability and social interaction, walk-to retail and commercial development is to be consolidated into a defined core area. The Rogers Drive retail warehouse precinct aside, no additional centres are envisaged in the life of this planning scheme. A dedicated central parking area in the town centre is supported to reduce the need for individual developments to meet parking requirements. Development of large bulky goods outlets is limited to the existing areas in and around Rogers Drive and on the south-east corner of the Bunya Highway and River Road.</p>	<p>The Rogers drive area is defined as a retail warehouse precinct centre with large bulky goods outlets development limited to this Specialised Centre Zone. This is a very specific and defined land use planning intent for the locality and the subject site.</p> <p>The Proposed Service Station conflicts with this specific outcome of the strategic framework.</p> <p>3.2.1.1 (3) and (10)</p>

(4) The town centres of Murgon, Nanango and Wondai develop to provide a district level of service without compromising the role of Kingaroy. The capacity of these centres to value add to local rural industries is supported. **Not applicable**

(5) In support of the district level of service, each of the other town centres is encouraged to retain its traditional, street-focussed character, with provisions for redevelopment and streetscape improvements of existing premises. **Not applicable**

(6) The establishment of a supermarket in Blackbutt to serve the local community is facilitated. **Not Applicable**

(7) Other town centres continue to provide a local level of service and opportunities to generate local employment and economic activity are encouraged.

(8) Opportunity to subdivide allotments in existing urban areas is maximised, while ensuring that usable allotments are created and the potential adverse impact on amenity and character is minimised. **Not Applicable**

(9) Increased density residential development is facilitated on serviced lots close to the town centres, with design to minimise impacts on the amenity and character of areas predominantly occupied by houses.

(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. **Not applicable**

(12) In villages, non-residential development is facilitated, but the villages will retain their traditional form, which is based on a central functional unit surrounded predominantly by

<p>houses. The distinctive architecture in the Bunya Mountain village is maintained through basic design provisions. Not applicable</p> <p>(13) Rural residential development provides a legitimate life-style choice where existing services and infrastructure can support this development or augmented without difficulty. New allotments outside the areas nominated in the Strategic Framework map are likely to be resisted unless there is legitimate planning need and the productive values of agricultural land and regional ecosystem values are not compromised. Not applicable</p> <p>(14) New rural residential development is consolidated in areas nominated on the Strategic Framework map – which are generally close to Kingaroy and the other towns – to maintain good access to services, employment and existing infrastructure. Additional areas may be considered only where there is a legitimate, demonstrated planning need for additional allotments and they retain the fundamentals of good access to urban services via good quality roads, no loss of good quality agricultural land or remnant regional ecosystem vegetation, minimal erosion and flood-free, fire-resistant and moderately sloped house sites. Not applicable</p> <p>(15) Development is directed away from historic subdivisions where residential development would lead to isolated communities and uneconomical extension of urban infrastructure. Not applicable</p> <p>(16) The impacts of natural hazards such as bushfires, landslide and flooding are identified, and new development avoids or mitigates the risk to personal safety and property damage and provides for the effective functioning of infrastructure during and after an event. Not applicable</p>	
<p>Specialised Centre Zone Code</p>	
<p>Purpose</p> <p>(1) The purpose of the specialised centre zone code provides for 1 or more specialised uses including, for example, conference centres, entertainment centres, education and research facilities or university campuses.</p> <p>(2) The overall outcomes sought for the zone code are as follows:</p> <ul style="list-style-type: none"> (a) Development is to be of a moderate scale and intensity, commensurate with a commercial environment in a rural town. (b) Development is to be compatible with the intended commercial environment. Land uses are to be a mix of large commercial and low impact industrial activities. Due to the 	

likely presence of families, frequent movements by large trucks are to be minimised, either through scale, nature of the use, site planning or operating hours restrictions that would not generally apply in an industrial zone.

(c) Recognise and facilitate the role played by dedicated showroom areas in accommodating retail showrooms and other large commercial activities where goods sold are insufficiently portable to be accommodated in the principal or local centres without disrupting a desirable continuous passage of pedestrians along their streets.

(d) Due to the commercial environment, development is to present a high quality, public friendly street environment.

(e) Development standards reflect the level of infrastructure otherwise apparent in the town.

(f) 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).

Assessment Response:

The Specialised centre zone incorporates a range of uses and tenants, including:

- Bunnings Warehouse
- Mitre 10
- Good Price Pharmacy
- Snap Fitness 24/7
- Reece Plumbing
- Kingaroy Car & Dog Wash
- Huston Nissan dealership

As outlined by the strategic framework the Specialised Centre Zone, and notwithstanding the existing indoor sport and recreation use within this Rogers Drive specialised centre zone, the locality is specifically planned for the development of bulky goods retail showrooms and supporting uses that would otherwise have difficulties locating in the Principle Centre Zone of Kingaroy.

This locality and the subject site is identified for a particular set of use activities where goods are to be located creating a commercial environment that is a high quality and has street responsive design.

The Service Station, its design and location on this site removes land from the Specialised Centre zone and removes any ability for it to be redeveloped in the future for uses aligned with and intended to facilitate the specialised zone outcomes.

The Service Station aspect does not advance the purpose of the specialised centres unique role or identity. It does not reflect the existing surrounding and adjacent proposed land uses that are anticipated in the zone or complimentary to the zone outcomes and do not undermine its function.

The Service Station's location and activity will limit and impact the desired pedestrian traffic anticipated across the centre precinct and round Rogers Drive. It will also limit the ability to achieve a consistent and integrated streetscape image and infrastructure standards would change given the Service Station's customers planned to be heavy vehicles etc.

The passing or through traffic of the D'Aguliar Hwy is the primary customer base for the Service Station and the ancillary food and drink outlet and it is not demonstrated to be needed for the needs of the defined catchment community or for the benefit of the residents of the catchment and that the existing service stations are not fulfilling the existing or future need of the catchment area.

<p>The service station use does not maintain or enhance the purpose or integrity of the intent of the specialised centre zone.</p> <p>The proposed service station component conflicts with the zone code Purpose 2(a), (b), (c), (d).</p>	
<p>PO1 The scale, bulk and design of buildings provides a safe and welcoming built environment that reflects a commercial environment despite the industrial scaled and proportioned buildings</p>	<p>AO1.2 Buildings are set back at least 6m from the street alignment</p> <p>AO1.3 Architectural features are used to make building entrances clearly distinguishable from the street</p> <p>AO1.5 The façade incorporates substantial articulation or fenestration</p>
<p>The service station is not setback 6.0m from the site's front boundaries as required by AO1.2 of the Specialised centre zone code. Furthermore, it fails to provide a minimum 2.0m wide landscape buffer along the site's frontage to the D'Aguilar Highway preventing a high-quality landscaping outcome from being provided. Consequently, the applicant seeks to solely provide shrubs and ground covers along this frontage, failing to shield service station and food and drink outlet from view.</p> <p>The service station building fails to incorporate any articulation or fenestration as required by AO1.4 of the Specialised centre zone code. Furthermore, it fails to incorporate 50% glass facing Rogers Drive or the D'Aguilar Highway as required by AO2.4 of the Specialised centre zone code.</p>	

5.5 Other Relevant Matters

The consideration of other relevant matters applies to the assessment and decision-making process for this impact assessable development application. The below summarises the matters considered by the planning assessment.

<p>Applicant submitted reports</p>	<ul style="list-style-type: none"> • Assessment of Need for a Service Station and Showroom Rogers Drive, Kingaroy prepared by Urban Economics dated September 2022 • Code assessment report • Applicant assessment report • Proposal plans • Traffic engineering reports • Site based stormwater reports • Morris water technical advice • United petroleum correspondence • Public submissions x 3
<p>Assessment considerations of merits</p>	<p>Impact assessment under the [Planning Act] is an 'unbounded' assessment, meaning relevant matters other than those prescribed can also be considered, and weighing and balancing 'inside the box' as well as with factors 'outside the box' can take place in reaching a decision.'</p> <p>The below outlines the planning assessment of the merits of the application presented.</p>
<p>PLANNING DISCUSSION</p>	

The Service Station Component of the Development is assessed on its merits as follows

It is assessed that no information is presented by the applicant that the service station component of the changed development proposal is required in this location, in the Specialised Centre Zone, of which there is only this Rogers Drive precinct zoned for specialised centre uses in the whole of the South Burnett Region.

The applicant has not demonstrated that the Service Station is needed within the town of Kingaroy (see other comments / findings below) and the defined catchment area within the submitted Urban Economics report. Statements relating to population growth and socio-economic profile are in stark contrast to other contemporary reports on the housing crisis affecting the region, limited jobs growth, poor youth retention in the region, an aging population, high unemployment and limited current economic growth, including wages growth.

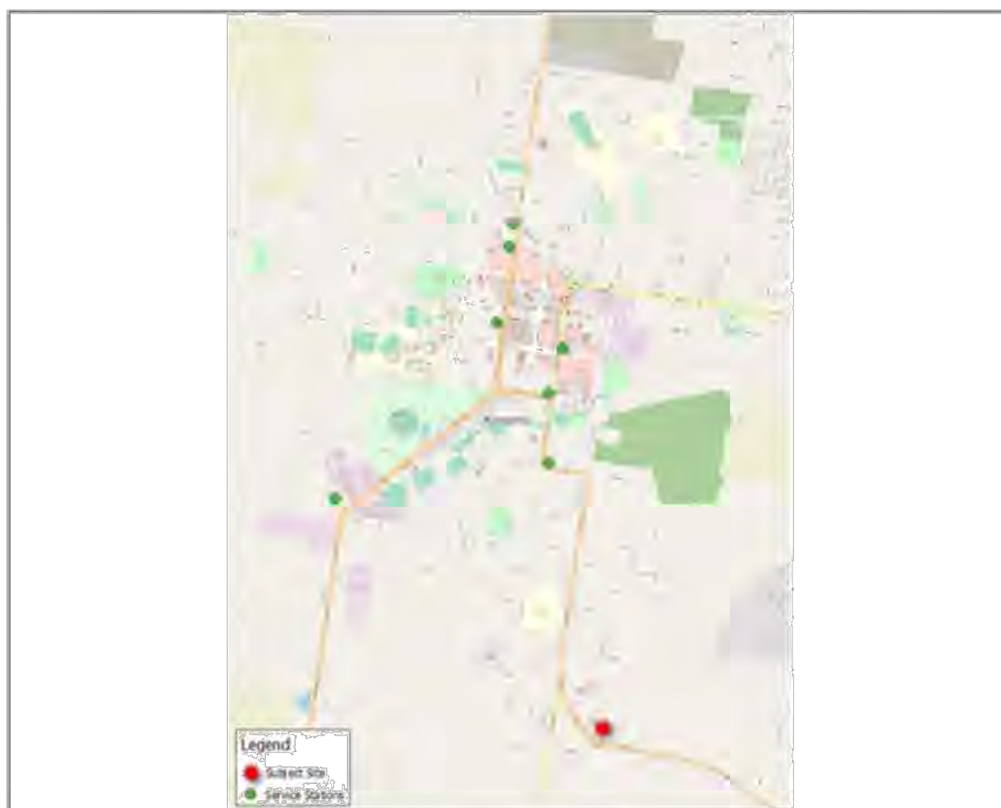
The implications outlined within the Urban Economics Report section 3.4 while agreed in principle (agree that Kingaroy is the major regional service centre for the region of SBR), it is considered, from a planning assessment of the submitted information and with knowledge of other published government reports, the statements relating to growth to justify the development of another service station in this site location, is **overstated**.

It is noted that the UE report only narrowly looks at factors of population and household growth report for the grounds to support a service station. This is considered to be lacking in technical detail for a land use that relies on trade via non-resident users and relevantly the transport industry and tourism industry - particularly when making the argument that this proposal includes a design point of difference to others by catering to larger vehicles.

There are 8 service stations in the town of Kingaroy, 4 located in the central or CBD area and 5 located on State controlled major roads through Kingaroy – no planning, community or economic need is demonstrated for the additional service station on land in the specialised centre zone in this location with 7 others within 3kms of this site. There is a bulk refuelling station at 2-6 Stolzenberg Street.



Figure 1 - Location of Bulk Refuelling Station MCU18/0002. Lapsing approximately July 2026.



There is little product differentiation between the Service Station outlets in Kingaroy, with the major difference being the size and range of products at the attached convenience store component – all of which are ancillary to the Service station as is this development proposal.

The applicant has not, from a planning perspective, presented reasons to justify this service station in Kingaroy, within a zone that does not anticipate the use, where there are 7 others present not only in the catchment area surveyed but within the same town and even within 1-2km of the subject site, on the State controlled Road corridor.

Section 4.0 of the submitted Urban Economics assessment report makes comment on the characteristics of the existing service stations, outlining differences in the existing network.

The UE report makes note that the subject site would be *“distinctly different to the existing network of service stations... being located directly adjacent the specialised and industry land and offering motorists on the D’Aguilar Hwy improved convenience and accessibility to fuel retailing.”*

It is noted that no information is provided within the UE report to confirm its analysis of existing service stations (i.e., truck capacity) has been informed by qualified transport/traffic engineering advice.

The report notes that *“the development proposal would better cater specifically to trucks, heavy and larger vehicles such as RVs and caravans with wider entry points/access driveways, higher canopies, and larger bowsers”*, but also notes states in the report that **5 of the 7 service stations surveyed already cater to trucks and by extension would cater to larger vehicles generally.**

On this basis, the proposal presents no specific point of difference from the existing network of service stations.

Furthermore, the information submitted relies heavily on the site being described as 'on the D'Aguilar Hwy'. **In fact, the site is accessed by local road network being Roger's drive, off the highway.** Notably, 5 of 7 existing other service stations are on the State controlled Road network directly and so factually the reporting submitted does not account for the fact that the development is proposing to encourage heavy vehicles off the major road onto a lower order road network.

Statements relating to higher-than-average demand for fuel in Kingaroy are made based on the following statements

- higher household multiple vehicle ownership than the State average,
- an average daily traffic count on the D'Aguilar Hwy and Somerset Rd and
- increased AADT counts increasing by 20% through Kingaroy from 2019 to 2020
- current lack of market competition with little variation between facilities

In response to those statements, it is assessed that no information is provided that existing facilities are not meeting the current demand and there is no discussion on future potential demand. The lack of market competition statement is an interesting one given the Service Station use should be primarily for the dispensing of fuel and any sale of other items on site is simply ancillary and subordinate to the main use. To argue that the proposal should be approved because it provides a "pi-face" drive through option that is simply ancillary and subordinate to the primary fuel dispensing use activity is a mis constructed argument given the development **is not** for a permit for a food and drink outlet that would have a separate demand from the service station, and particularly as argued by the applicant as not requiring its own parking or servicing as a food and drink outlet because it is so operationally subordinate to the service station.

The application cannot rely on the merits of a food and drink outlet use being a point of difference in support for this proposal as the permit for a food and dink outlet has been removed from the development application and is proposed to be subordinate to and ancillary to the Service Station use only.

The applicant changed the proposal (not in response to a request from Council), removing Tenancy T2 (Food and Drink Outlet) and integrating an **ancillary** Food and Drink Outlet within Tenancy T1 (Service Station).

As such, the development proposal no longer includes a permit for a Food and Drink outlet.

There reporting submitted with the changed application relied upon for this recommendation report incorrectly misrepresents the importance of the food and drink use component as a significant element relevant to the need or benefits presented by the proposal by making it no other co-located fuel retailing and food and drink outlets within Kingaroy.

Given the site's location at the entrance to Kingaroy from the D'Aguilar Highway, it is likely to frequently attract large trucks travelling into and through Kingaroy to turn into Rogers Drive and fill up or grab food from the proposed service station.

A service station on the subject site removes limited Specialised Centre zoned land from any future use by complimentary and anticipated large box retail that is not necessarily suited to the Principal Centre zone within Kingaroy centre due to servicing needs for bulky goods items.

It is not agreed that there is a lack of available other land for a service station in Kingaroy

the Urban Economics report only analysed land within the Low Impact industry zone that makes development for a Service Station Code assessable within Kingaroy and found no available appropriate land for this development in an alternate an appropriate zone.

This approach to analysing the 'acceptability' of the subject site is not supported, as a service station development could be applied for, on its merits, within the Principal Centre Zone, Emerging Community Zone, or other Industry zones without direct 'conflicts' with the purpose of those zones and where impacts are mitigated, and merits are presented in support for the inclusion of the use on another site could be supported. The reports claim that that the specialised centre zone is appropriate because there is no available low impact industry zoned land in Kingaroy suitable for the development is not considered to be a valid planning ground to support the proposal on the subject site.

Submissions	Refer to the Consultation section of this report
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THE ISSUES

Service Station Conflicts with the Specialised Centre Zone –

From a functional perspective, whilst it is acknowledged that there may be a good reason to locate a Service Station on the subject site with access and visibility from the D'Aguiar Hwy, the development is at odds with the clear planning intent of the Specialised Centre Zone with key provisions in the purpose of the code seeking to maintain the zone for large bulky goods retailing.

No need for the service station development can reasonably be established on planning grounds. No information is presented that the proposal is designed to meet a need for heavy or commercial vehicles passing through Kingaroy or tourists and visitors as the Urban Economics report purports the service station is designed to do.

The applicant has not discharged the onus of demonstrating a sufficient level of need for the proposed Service Station use to overcome the inconsistency with the planning strategy for the specific zone in this locality, being the only Specialised Centre Zone in the whole South Burnett Region. This is most unconvincing, given the existence of 7 other existing, functional, operational service stations in the identified catchment area of this proposal and no grounds are presented that identify that this service station development will produce a benefit to the community compared to that which would be achieved by a development that is consistent with the planning intentions for the zone.

The question of choice is not relevant in the consideration of this application as it is considered that the existing catchment has an existing choice of 7 service station retailers that provide a mix of services and facilities that currently cater to the vast cross section of the travelling public (both local and not local) and no information is presented by the applicant otherwise in support of another service station given the existing context. Consumers do not have to travel far within Kingaroy to find a Service Station or food and drink outlet/ convenience store and there are other drive through food and drink outlet retailers within Kingaroy also catering to the needs of motorists for convenience food and drink services.

The service stations desire to utilise the subject site for the purposes proposed does not reflect an identified community need and only reflects its own views on need. The analysis presented does not identify a population, transport industry or tourism trade need for another service station in the catchment area, nor is any information site specific to the subject site.

The issue of convenience alone is not considered to amount to a sound planning case for community or planning need and from an assessment of all the material submitted by the

applicant, there is not only no need demonstrated but also there is a conflict with the planning scheme assessment benchmarks and there are no matters are presented that would justify a decision despite the conflict.

There was a need for the proposed development on the subject land that could not be met on other more suitable land

SHOWROOM VS SHOP RETAIL USE

The applicant has provided a response to the information request that includes significant variations to the design of the development that the applicant has stated is in response to design requirements for future tenants – these alterations are not in response to the Council’s information request.

These changes are not assessed as being *Minor Changes* (defined by the Act) as they are assessed to be substantially different to the original application lodged. The issues with the response that are **not** assessed to be minor are:

- Increased service station GFA by 70m2
- Increased tenancy T3 GFA from 1160m2 to 1500m2 (+340m2)
- Increased site cover overall
- Further reduced areas of landscape to the Highway (contrary to requests by Council to increase setback of orientate building to the road frontage).

The changes visually expressed in the images provided below are changes not directly in result to the information request, the SARA information request, nor are the changes in response to submissions.

There can also be considered to be a change of use, as part of the applicant response that they have not identified. The tenant for the proposed ‘showroom’ is Spotlight.

Showroom is defined as:

Showroom	Premises used for the sale of goods that are of— (a) a related product line and	Bulky goods sales, motor vehicles sales showroom, bulk stationary supplies.	Food and drink outlet, shop, outdoor sales
	(b) a size, shape or weight that requires— (i) a large area for handling, display or storage; and (ii) direct vehicle access to the building that contains the goods by members of the public, to enable the loading and unloading of the goods.		

An understanding of bulky-goods retailing is necessary to further explore whether Spotlight fits the use definition above.

‘Bulky Goods’ is commonly defined as large format retail necessary for the size and weight of products being handled and requires direct vehicular access to loading facilities.

The National Bulky goods retailers association notes that the bulky goods retail market includes the following goods categories:

Bulky goods and total retail market

Definitions

A national bulky goods categorisation has been adopted from the BGRA constitution.

The following items have been matched to ABS HCE National Accounts categories (or part thereof) to determine historical and forecast retail market sizes:

BGRA bulky goods categories	National accounts category
Home entertainment goods	Audio visual equipment
Furniture, furnishings, floor coverings & electric light fittings	Furniture & floor coverings
Household appliances & electrical goods	Household appliances
Hardware and landscaping supplies	Household tools and flowers & garden supplies
Bedding, linens & window coverings	Household textiles
Automotive parts & accessories	Motoring goods
Other bulky goods comprises:	
Office equipment & supplies	Newspapers, books & artists goods
Camping, sporting & swimming pool equipment	Other major durables for recreation
Baby equipment & accessories	Personal effects
Equestrian & pet supplies	Pet foods & pet products

A similar approach is adopted in assessing historical and forecast total retail market sizes

Source: Deep End Services, BGRA, Australian Bureau of Statistics, Access Economics (as at November 2009)

The applicant has not made representations about why Spotlight meets the definition of a Showroom in the context of the specific Specialized Centre zone that anticipates the sale of goods that cannot typically be located in higher order Centre zones because of servicing requirements. Typically, Spotlight takes the benefit of being defined as a Shop and locates within ordinary hierarchy Centre zone categories, and typically obtains benefits from the tables of assessment for the use as a Shop (not a showroom that can attract a higher level of assessment and different parking and servicing needs).

However, it is also noted that this retailer can also fit the definition of showroom because it is also frequently a larger floor plate retail model and can take the benefit of other specialized zones.

Bulky Goods Retailing is a separate category of retailing distinct from core Retail/Shops and so it is common to locate such tenancies on land zoned for other purposes other than core Centre zones. In this case though, the preferred retail floor plate for large box tenancies does not necessarily mean that the store is a bulky goods retailer.

In the context of the SBRC scheme the applicant has made no endeavor to present any justification for this 'showroom' in this zone when it can also fit comfortably as a retailer within other centres zones and argue the use is a Shop.

Spotlight is often located within the **Centre zone as a Shop** because it does not market need to cater for bulk load sales, physically large items (haberdashery is not considered bulky), nor does the store typically sell anything that cannot be collected by a car and carried unassisted (i.e. does not require loading of goods by machinery or specific heavy goods loading practices) and has a higher frequency and volume of visitation by customers. These outcomes are not necessarily intended in the Specialised Centre zone of the SBRC planning scheme.

Shop	Premises used for: (a) displaying, selling or hiring goods, or (b) providing personal services or betting to the public	Hairdresser, liquor store, department store, discount department store, discount variety stores, betting agencies, supermarket, corner store	Adult store, food and drink outlet, showroom, market
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Notwithstanding the above critique of the applicant’s material, it is noted that hardware can also have elements that are not all bulky goods and other use tenancies in the locality have a mix of bulky goods and smaller convenience retailing stock.

On balance the Spotlight showroom will be accepted as a showroom use and continue to be assessed as development anticipated in this zone.

CARPARKING SHORTFALL

The applicant has argued both that the food and drink outlet is ancillary to the Service Station and will not generate traffic / use demand separate from the Service Station that warrants the provision of any car parking for the food and drink outlet component of the use. However, in the same, they argue that the food and drink outlet is a point of difference for this development, serving a need in Kingaroy different from other service stations and providing benefits to the region. The applicant simply cannot argue both points. The development proposal does not provide any allocated parking or separate servicing for the food and drink component, and it is intended to operate at the same times as the service station (24/7) and there is a shortfall for the showroom use.

Car parking Calculation Notes:

This is based on the submitted site plan and proposed floor plan 18119-DA02 Rev A

USE	AREA	REQUIRED PARKING as per planning scheme rates	PROVIDED
Showroom	1500m2	75	58
Service station	n/a fixed rate	5	5

Shortfall = 17 spaces

Locality Plan



Figure 1 - Aerial Image (Source: Qld Globe)

Aerial Plan



Figure 2 - Locality Plan (Source: IntraMaps)

CONSULTATION:

Referral Agencies

<p>State Assessment and Referral Agency (SARA)</p>	<p>Planning Regulation 2017 – Concurrence Agency Referral</p> <p>Schedule 10, Part 9, Division 4, Subdivision 2: building within 25m of a State-controlled Road</p> <p>Schedule 10, Part 9, Division 4, Subdivision 1: development impacting on State transport infrastructure and threshold under Schedule 20</p> <p>Decision dated 13th July 2022 Ref 2009-1897 and amended in red subject to conditions of approval</p>
<p>Council Assessment notes</p>	<p>Council notes that the plan approved is an OUTDATED version of the plans the applicant relies on for the Council's decision. As such, it is the Applicant's responsibility to seek an updated decision from SARA for the development decisions to be consistent and compliant between relevant entities.</p> <p>The amendments in red on the State Approved plans require installation of headlight screening panels in accordance with Condition 1 and line marking and 'no-entry' signage for the exit only driveway in accordance with Condition 1.</p>

Other Referrals

INTERNAL REFERRAL SPECIALIST	REFERRAL / RESPONSE
<p>Development Engineer</p>	<p>Provided conditions relevant to the development application.</p>
<p>Infrastructure Charges Unit</p>	<p>Council adopted the LGIP on 24 June 2019 which commenced on 1 July 2019.</p> <p>The types of development that may trigger the issuing of an infrastructure charges notice are:</p> <ul style="list-style-type: none"> a) Reconfiguring a lot; b) Making a material change of use; c) Carrying out building work. <p>The property is within the water supply, sewerage, transport, and stormwater networks and is therefore subject to the relevant adopted charges.</p> <p>The current charge for the proposed development is \$199,454.00</p> <p>Refer to Attachment B for the Infrastructure Charges Notice.</p>

Public Notification

The application was publicly notified in accordance with the requirements for Impact Assessment. It is noted that two submissions are from competing service station owners in the region.

Submission Issue	Council response
The development should include two lines of fast-growing trees along the boundary of the two properties for a visual buffer between a large commercial building and the intrusion of lights at night.	The Council agrees that landscape outcomes should ensure that landscape treatments be included to ensure mature trees be planted between the commercial land uses of the Specialised Centre Zone and adjoining Rural Zone as a buffer where possible to create a visual break. A condition of development approval is included to include landscape planting that incorporates a suitable tiered planting outcome along the boundaries of the subject site. It is not however as significant as two lines of trees as suggested – see attached approved landscape concept plan prepared by agla.
The proposal conflicts with the overall outcomes sought for the Specialised centre zone. The applicant fails to demonstrate that there is an overriding planning need for a service station in the proposed location which is specifically designated for bulky goods.	The planning assessment agrees that there is a conflict with the proposed service station land use proposal and the specialised centre zone and no relevant matters are presented to justify a decision despite the conflict that is significant
The proposal does not comply with the specific outcomes of the Planning Scheme.	

CONCLUSION:

The application is assessed to only be supported in part for the reasons contained in the recommendation below.

The State Assessment and Referral Agency has approved the development subject to conditions and amendments in red under the relevant referral jurisdictions under Schedule 10 of the Planning Regulation 2017.

The public submissions made are properly made, and the submitters are to be advised of the Council decision at the end of the expiry of the applicant appeal period and their rights of appeal are to be provided in accordance with the Planning Act 2016.

Infrastructure Charges are relevant to the development and an Adopted Infrastructure Charges Notice is to be issued with any decision to approve the development in part or in full.

The application is to be decided by the Council full committee.

RECOMMENDATION:

The application for a Material change of use Development permit for a Showroom **be approved in part** as follows –

- The Material Change of use Development Permit for a Showroom use **be approved** as -
 - it is consistent with the Purpose and overall outcomes for the Specialised Centre zone as the Spotlight tenancy will complement the role of the Specialised Centre zone in supporting a range of regionally significant, bulky and large format uses that cater to the needs of both local and regional residents and contribute to the role of Kingaroy

as a Major Regional Activity and service centre in accordance with the Settlement Pattern and town role identified in the Strategic Framework.

- The use is reasonably anticipated in this zone, consistent with the mix of existing surrounding uses, and is well accessed, being located on the D'Aguiar Hwy, for regional residents and for transport deliveries in larger freight vehicles for bulky goods items.
- The showroom use can be conditioned to comply with the anticipated large format retail layout of development in this zone to ensure the tenancy is not later divided into smaller tenancies that would undermine the explicit intended function of this specialised centre zone.

The application for a Material Change of Use Development Permit for a Service Station **be refused in part** as follows-

- The Material Change of use Development Permit for a Service Station Use be refused as:
 - It is in fundamental conflict with the Specialised Centre Zone of the South Burnett Planning Scheme 2017 version 1.4 and does not advance the purpose of the Planning Act 2016 as -
 - The it conflicts with the Zone code Purpose 2(a), (b), (c), (d); and
 - The Proposed Service Station conflicts with specific outcome of the strategic framework 3.2.1.1 (3); and
 - In accordance with the Planning Act 2016 decision making rules section No need has been presented for the proposed service station on the subject site within the Specialised Centre zone which is of limited total zoned area within the region. No demand that cannot be met by the existing 7 Service Stations within the identified application material has been demonstrated: and
 - Two Public submissions have been received objecting to the proposed service station use for reason outlined in the submissions received.

ATTACHMENTS

1. **Attachment A - Referral Agency Repsonse**
2. **Attachment B - Infrastructure Charges Notice**
3. **Attachment C - Statement of Reasons**
4. **Attachment D - Appeal Rights**
5. **Attachment E - Landscape Concept Plan**
6. **Attachment F - Architectural Plans**



Our reference: 2009-18971 SRA
 Your reference: MCG21/0019 HC:TB
 Applicant reference: 200911

13 July 2022

The Chief Executive Officer
 South Burnett Regional Council
 PO Box 336
 KINGAROY QLD 4610
 info@southburnett.qld.gov.au

Attention: Ms Sam Dunstan

Dear Ms Dunstan

SARA Response – Rogers Drive, KINGAROY (Lot 5 on SP112069)

(Given under Section 56 of the Planning Act 2016)

The development application described below was confirmed as being properly referred to the State Assessment and Referral Agency (SARA) on 30 September 2020.

Response

Outcome:	Referral Agency Response under Section 56(1)(b) of the <i>Planning Act 2016</i>
Date of response:	13 July 2022
Conditions:	The approval is subject to the conditions in Attachment 1
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development Details

Description:	Development Permit for Material Change of Use (MCU) – Service Station, Food and Drink Outlet and Showroom
SARA role:	Referral agency

Page 1 of 7

Wise Bay Burnett regional office
 Level 1, 7 Takalvan Street, Bundaberg
 PO Box 979, Bundaberg QLD 4670

2009-18971 SRA

SARA triggers: Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1–
Material change of use of premises near a State transport corridor
(Planning Regulation 2017)

SARA reference: 2009-18971 SRA

Assessment Manager: South Burnett Regional Council

Street address: Rogers Drive, KINGAROY

Real property description: Lot 5 on SP112069

Applicant name: Property Opportunities Holdings Pty Ltd

Applicant contact details: Cf- Adam + Sparkes Town Planning
PO Box 1000
BUDDINA QLD 4575
admin@astpd.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (section 30 of the Development Assessment Rules).

Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Peter Mulcahy, Principal Planning Officer, on (07) 3307 6123 or via email WBBSARA@ds.digp.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
Manager, Planning – Wide Bay Burnett

enc Attachment 1 – Referral agency conditions
Attachment 2 – Advice to the applicant
Attachment 3 – Reasons for referral agency response
Attachment 4 – Representations about a referral agency response
Attachment 5 – Approved plans and specifications

cc Property Opportunities Holdings Pty Ltd
Cf- Adam + Sparkes Town Planning
admin@astpd.com.au

Department of Transport and Main Roads
Wide Bay Burnett.IDAS@tmr.qld.gov.au

2009-18971 SRA

Attachment 1—Referral agency conditions

(Under Section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions	Condition timing
<p>Development Permit for Material Change of Use (MCU) – Service Station, Food and Drink Outlet and Showroom</p>		
<p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 of the Planning Regulation 2017—The Chief Executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):</p>		
<p>1.</p>	<p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> • <i>Proposed Site Plan</i> prepared by Verve Building Design Co. dated 26 May 2022, Drawing No. 18119-DA01, Revision N (as amended in red by SARA on 13 July 2022); • <i>Site Elevations & Perspectives</i> prepared by Verve Building Design Co. dated 26 May 2022, Drawing No. 18119-DA03, Revision B (as amended in red by SARA on 13 July 2022); <p>In particular:</p> <ul style="list-style-type: none"> - provision of line-marking and 'no entry' signage for the exit only driveway - provision of headlight screening panels to prevent headlight glare from the development impacting on trucks and cars travelling on the D'Aguilar Highway 	<p>Prior to the commencement of use and to be maintained at all times.</p>
<p>2.</p>	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>(b) Any works on the land must not:</p> <ol style="list-style-type: none"> i. create any new discharge points for stormwater runoff onto the state-controlled road ii. interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; iii. surcharge any existing culver or drain on the state-controlled road; iv. reduce the quality of stormwater discharge onto the state-controlled road <p>(c) Registered Professional Engineer of Queensland (RPEQ) certification with supporting documentation must be provided to the Wide Bay Burnett District via e-mail to Wide.Bay.Burnett.DAS@tmr.qld.gov.au within the Department of Transport and Main Roads confirming that the development has been designed and constructed in accordance with part (a) of this condition.</p>	<p>(a) At all times.</p> <p>(b) At all times.</p> <p>(c) Prior to the commencement of use.</p>
<p>3.</p>	<p>Direct access is not permitted between the D'Aguilar Highway and the subject site (Lot 5 on SP112069).</p>	<p>At all times.</p>

2009-18971 SRA

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.
Advertising devices	
2.	Advertising devices to be placed on the subject site which will be visible from the from the state-controlled roads should be in located and designed accordance with the Department of Transport and Main Roads Roadside Advertising Manual 2nd Edition . Where advertising devices are not in accordance with the Department of Transport and Main Roads Roadside Advertising Manual 2nd Edition , and are considered to be a hazard or distraction to drivers, the Department of Transport and Main Roads may exercise powers under the <i>Transport Infrastructure Act 1994</i> to have the signage modified or removed. Any such action required will be at the expense of the landowner or occupier.

2009-18971 SRA

Attachment 3—Reasons for referral agency response*(Given under Section 56(7) of the Planning Act 2016)***The reasons for the SARA decision are:**

The proposed development complies with the assessment benchmarks and purpose statement within State Code 1: Development in a state-controlled road environment of the State Development Assessment Provisions, as the proposed development is:

- not considered to result in safety and efficiency impacts on the state-controlled road network
- not considered to create a safety hazard for users of a state-controlled road
- not considered to result in stormwater impacts on the state-controlled road network

Conditions have been applied to ensure compliance with State Code 1 where applicable.

Material used in the assessment of the application:

- The development application material.
- *Planning Act 2016*.
- *Planning Regulation 2017*.
- *The State Development Assessment Provisions (Version 2.6)*.
- *The Development Assessment Rules (DA Rules)*.
- *SARA DA Mapping system*.
- *Human Rights Act 2019*.

2009-18971 SRA

Attachment 4—Representations about a referral agency response

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding representations about a referral agency response

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

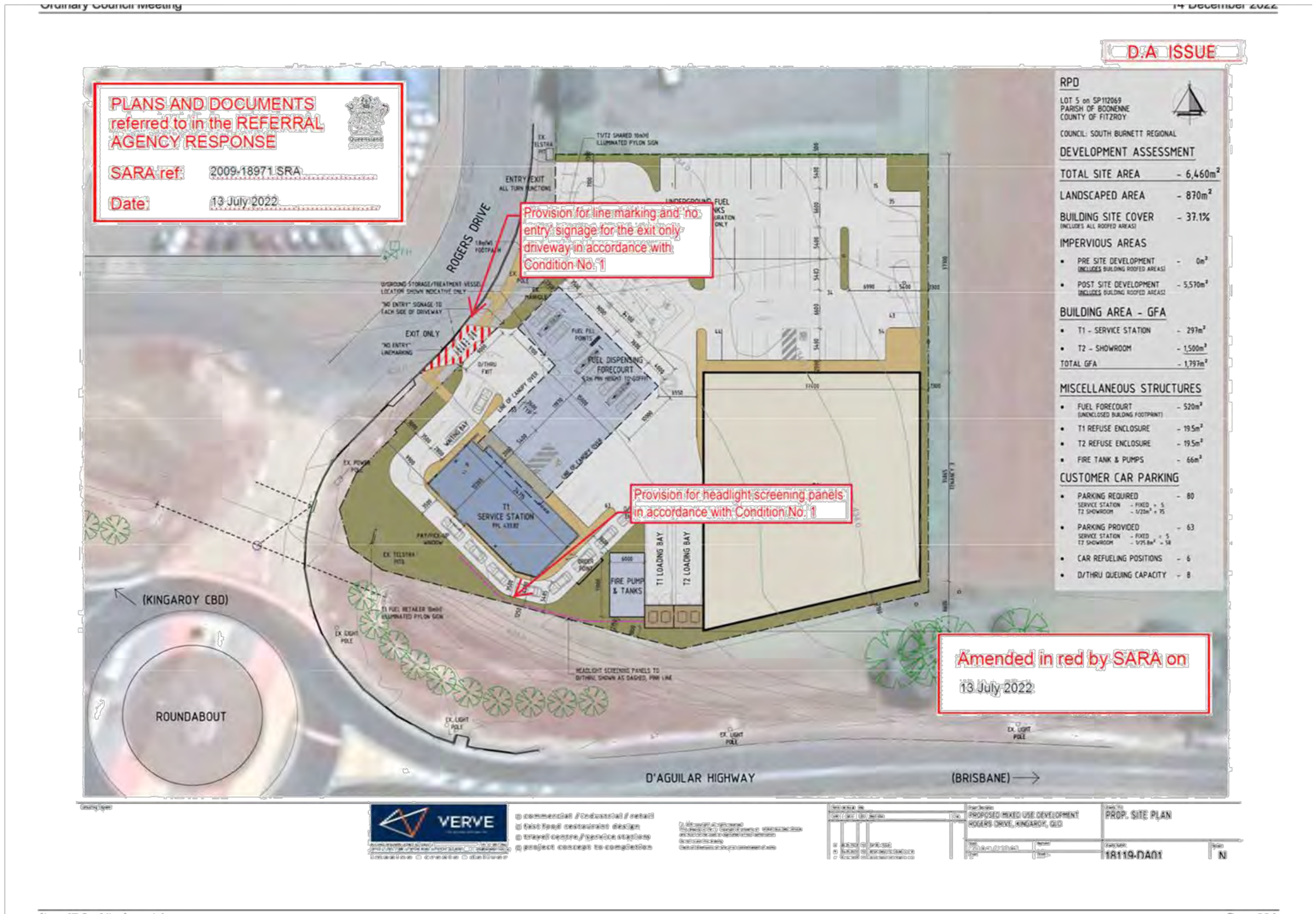
30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

2009-10071 SRA

Attachment 5—Approved plans and specifications



INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT: Property Opportunities Investments Pty Ltd
 C/- Adams & Sparkes Town Planning
 15 Beelarong Street
 MORNINGSIDE QLD 4170

APPLICATION: Material Change of Use - Service Station/Food & Drink Outlet/Showroom

DATE: 14/12/2022

FILE REFERENCE: MC020/0017

AMOUNT OF THE LEVIED CHARGE: **\$155,571.00** **Total**
(Details of how these charges were calculated are shown overleaf)

\$92,211.00	Water Supply Network
\$50,895.00	Sewerage Network
\$45,207.00	Transport Network
\$0.00	Parks and Land for Community Facilities Network
\$11,140.00	Stormwater Network

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

LAND TO WHICH CHARGE APPLIES: Lot 5 SP112069

SITE ADDRESS: Rogers Dr, 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**

DETAILS OF CALCULATION

Water Supply

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial Bulk Goods (Showroom)	1,500	m ² GFA,	\$49.00	CR Table 2.2	\$73,500.00

Discounts*

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

Sewerage

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial Bulk Goods (Showroom)	1,500	m ² GFA,	\$27.00	CR Table 2.2	\$40,500.00

Discounts*

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

Transport

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial Bulk Goods (Showroom)	1,500	m ² GFA,	\$24.00	CR Table 2.2	\$36,000.00

Discounts*

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

Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
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Commercial Bulk Goods (Showroom)	1,500	m ² GFA,	\$49.00	CR Table 2.2	\$0.00
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Discounts*

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

Stormwater

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial Bulk Goods (Showroom)	2,785	m ² GFA,	\$2.00	CR Table 2.2	\$5,570.00

Discounts*

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

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Commercial Bulk Goods (Showroom)	\$73,500.00	\$40,500.00	\$36,000.00	\$0.00	\$5,570.00	\$155,571.00
Total	\$73,500.00	\$40,500.00	\$36,000.00	\$0.00	\$5,570.00	\$155,571.00

* 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.

INFORMATION NOTICE

Authority and Reasons for Charge	This Infrastructure Charges Notice has been given in accordance with section 119 of the <i>Planning Act 2016</i> to support the Local government's long-term Infrastructure planning and financial sustainability.
Appeals	Pursuant to section 229 and Schedule 1 of the <i>Planning Act 2016</i> a person may appeal an Infrastructure Charges Notice. Attached is an extract from the <i>Planning Act 2016</i> that details your appeal rights.
Automatic Increase Provision of charge rate (\$)	<p>An infrastructure charge levied by South Burnett Regional Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI average¹. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.</p> <p>However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Authority could have levied for the development at the time the charge is paid.</p>
GST	The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the <i>Planning Act 2016</i> are GST exempt.
Making a Payment	<p>This Infrastructure Charges Notice cannot be used to pay your infrastructure charges.</p> <p>To pay the levied charge, you must request an Itemised Breakdown showing the total levied charge payable at the time of payment. An Itemised Breakdown must be presented at the time of payment.</p> <p>An Itemised Breakdown may be requested by emailing info@southburnett.qld.gov.au</p>

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

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

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

Enquiries

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

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

SITE DETAILS	
Applicant:	Property Opportunities Holdings Pty Ltd C/- Adams & Sparkes Town Planning
Application No:	MCU20/0017
Proposal:	Material Change of Use - Service Station and Showroom
Street Address:	Rogers Drive, Kingaroy
RP Description:	Lot 5 on SP112069
Assessment Type:	Impact Assessment

On 14 December 2022 the above development was:

- approved in part, with conditions.

1. Assessment Benchmarks

The following are the benchmarks apply to this development:

South Burnett Regional Council Planning Scheme 2017

- Strategic Framework
- Emerging Community Zone Code
- Reconfiguring a Lot Code
- Services & Works Code

2. Reasons for the Decision

The reasons for this decision are:

The application for a Material change of use Development permit for a Showroom **be approved in part** as follows –

- The Material Change of use Development Permit for a Showroom use **be approved** as
 - ⊙ it is consistent with the Purpose and overall outcomes for the Specialised Centre zone as the Spotlight tenancy will complement the role of the Specialised Centre zone in supporting a range of regionally significant, bulky and large format uses that cater to the needs of both local and regional residents and contribute to the role of Kingaroy as a Major Regional Activity and service centre in accordance with the Settlement Pattern and town role identified in the Strategic Framework.
 - ⊙ The use is reasonably anticipated in this zone, consistent with the mix of existing surrounding uses, and is well accessed, being located on the D’Aguilar Hwy, for regional residents and for transport deliveries in larger freight vehicles for bulky goods items.
 - ⊙ The showroom use can be conditioned to comply with the anticipated large format retail layout of development in this zone to ensure the tenancy is not later divided into smaller tenancies that would undermine the explicit intended function of this specialised centre zone.

The application for a Material Change of Use Development Permit for a Service Station be refused in part as follows:-

- The Material Change of use Development Permit for a Service Station Use be refused as:
 - ⊙ It is in fundamental conflict with the Specialised Centre Zone of the South Burnett Planning Scheme 2017 version 1.4 and does not advance the purpose of the Planning Act 2016 as -
 - The it conflicts with the Zone code Purpose 2(a), (b), (c), (d); and
 - The Proposed Service Station conflicts with specific outcome of the strategic framework 3.2.1.1 (3); and
 - ⊙ In accordance with the Planning Act 2016 decision making rules section No need has been presented for the proposed service station on the subject site within the Specialised Centre zone which is of limited total zoned area within the region. No demand that cannot be met by the existing 7 Service Stations within the identified application material has been demonstrated; and
 - ⊙ Two Public submissions have been received objecting to the proposed service station use for reason outlined in the submissions received.

3. Compliance with Benchmarks

The development was assessed against all the assessment benchmarks listed above and consideration has been given to other grounds and the development is to only be supported in part for the reasons above.

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

Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the ~~Planning Act 2016~~ states --
- (a) Matters that may be appealed to --
- either a tribunal or the P&E Court; or
 - only a tribunal; or
 - only the P&E Court; and
- (b) The person --
- who may appeal a matter (the **appellant**); and
 - who is a respondent in an appeal of the matter; and
 - who is a co-respondent in an appeal of the matter; and
 - who may elect to be a co-respondent in an appeal of the matter.

~~(Refer to Schedule 1 of the Planning Act 2016):~~

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is --
- for an appeal by a building advisory agency -- 10 business days after a decision notice for the decision is given to the agency; or
 - for an appeal against a deemed refusal -- at any time after the deemed refusal happens; or
 - for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises -- 20 business days after a notice is published under section 269(3)(a) or (4); or
 - for an appeal against an infrastructure charges notice -- 20 business days after the infrastructure charges notice is given to the person; or
 - for an appeal about a deemed approval of a development application for which a decision notice has not been given -- 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - for any other appeal -- 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note --

See the P&E Court Act for the court's power to extend the appeal period.

- Each respondent and co-respondent for an appeal may be heard in the appeal.
- If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about --
 - the adopted charge itself; or
 - for a decision about an offset or refund --
 - the establishment cost of trunk infrastructure identified in a LGIP; or
 - the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that --
 - is in the approved form; and
 - succinctly states the grounds of the appeal.
- The notice of appeal must be accompanied by the required fee.
- The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to --
 - the respondent for the appeal; and
 - each co-respondent for the appeal; and

- for an appeal about a development application under schedule 1, table 1, item 1 -- each principal submitter for the development application; and
 - for and appeal about a change application under schedule 1, table 1, item 2 -- each principal submitter for the change application; and
 - each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - for an appeal to the P&E Court -- the chief executive; and
 - for an appeal to a tribunal under another Act -- any other person who the registrar considers appropriate.
- (4) The **service period** is --
- if a submitter or advice agency started the appeal in the P&E Court -- 2 business days after the appeal has started; or
 - otherwise -- 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- In this section --

decision includes --

 - conduct engaged in for the purpose of making a decision; and
 - other conduct that relates to the making of a decision; and
 - the making of a decision or failure to make a decision; and
 - a purported decision; and
 - a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter --

 - is final and conclusive; and
 - may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal. However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.



AGLA LANDSCAPE ARCHITECTURE
 17/1800 666 666
 17/1800 666 666

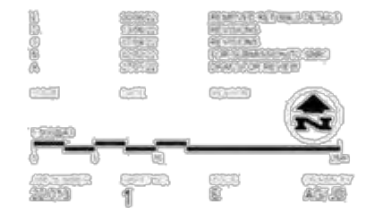
PROPOSED LANDSCAPE ARCHITECTURE
 ROGERS DRIVE, KINGAROY

LANDSCAPE CONCEPT PLAN

- 1** LARGE FEATURE SHADE SCREEN TREE
 Large landscape shade tree species to provide shade, visual and climatic amenity, and landscape softening of the property.
 Refer Proposed Planting Schedule (see Appendix 1 - Schedule)
- 2** MEDIUM SHADE SCREEN TREE
 Medium shade trees that assist in the landscape presentation of neighbouring property, provide shade, visual and climatic amenity, as well as primary screening. Refer Proposed Planting Schedule.
- 3** COLUMNAR / SMALL CANOPIED TREE
 Small tree planting to provide visual amenity and softening to the streetscape.
 Refer Proposed Planting Schedule (see Appendix 1 - Schedule)
- 4** SCREENS AND CRUISE SCREENERS
 Mass planting to assist in the landscape presentation to the streetscape and to provide visual amenity.
 Refer Proposed Planting Schedule.

LEGEND

PROPOSED GARDEN EDGE
 To future detail



This landscape concept plan is a preliminary design and is subject to change without notice. It is not intended to be used for any other purpose. The client is responsible for ensuring that the plan is used in accordance with the relevant legislation and regulations. The client is also responsible for ensuring that the plan is used in accordance with the relevant legislation and regulations. The client is also responsible for ensuring that the plan is used in accordance with the relevant legislation and regulations.



AGLA LANDSCAPE ARCHITECTURE
 1/100 WILSON STREET
 ROGERS DRIVE, KINGAROY

PROPOSED PLANTING SCHEDULE



CODE	SPECIES	COMMON NAME	CODE	QUANTITY	HEIGHT (m)	WIDTH (m)
1 PROPOSED LARGE FEATURE SHADE/SCREEN TREE						
1.1	Casahuate	Small Forest Tree	41	each	15	0
2 PROPOSED MEDIUM SHADE/SCREEN TREES						
2.1	Acacia	Big Tree	42	each	10	0
2.2	Platanus	Platanus	43	each	10	0
2.3	Spina	Spina	44	each	10	4
3 PROPOSED COLUMNAR/SMALL CANOPIED TREE						
3.1	Albizia	Albizia	45	each	4	3

****PLANT CONTAINER SIZE:**

45L - 1.5m x 1.5m x 1.5m (Min. height of tree at planting 1.0m)

Note: All trees are to be planted in a 1.5m x 1.5m x 1.5m container.

The quantity of plants shown are based on a standard 1.5m x 1.5m x 1.5m container size, and the ability to provide a good quality tree within a reasonable space of time.



D.A. ISSUE



RPD
 LOT 5 on SP112069
 PARISH OF BOONENNE
 COUNTY OF FITZROY
 COUNCIL - SOUTH BURNETT REGIONAL

DEVELOPMENT ASSESSMENT

TOTAL SITE AREA - 6,460m²

LANDSCAPED AREA - 870m²

BUILDING SITE COVER - 37.1%
(INCLUDES ALL ROOFED AREAS)

IMPERVIOUS AREAS

- PRE SITE DEVELOPMENT - 0m²
(INCLUDES BUILDING ROOFED AREAS)
- POST SITE DEVELOPMENT - 5,570m²
(INCLUDES BUILDING ROOFED AREAS)

BUILDING AREA - GFA

- T1 - SERVICE STATION - 297m²
- T2 - SHOWROOM - 1,500m²

TOTAL GFA - 1,797m²

MISCELLANEOUS STRUCTURES

- FUEL FORECOURT - 520m²
(UNENCLOSED BUILDING FOOTPRINT)
- T1 REFUSE ENCLOSURE - 19.5m²
- T2 REFUSE ENCLOSURE - 19.5m²
- FIRE TANK & PUMPS - 66m²

CUSTOMER CAR PARKING

- **PARKING REQUIRED** - 80
 SERVICE STATION - FIXED x 5
 T2 SHOWROOM - 1/20m² x 75
- **PARKING PROVIDED** - 63
 SERVICE STATION - FIXED x 5
 T1 SHOWROOM - 1/25.8m² x 58
- CAR REFUELING POSITIONS - 6
- D/THRU QUEUING CAPACITY - 8

(KINGARROY CBD)

ROUNDAABOUT

D'AGUILAR HIGHWAY

(BRISBANE) →



- Commercial / Industrial / Retail
- Fast food restaurants / Cafes
- Travel centre / service stations
- Project complete to completion

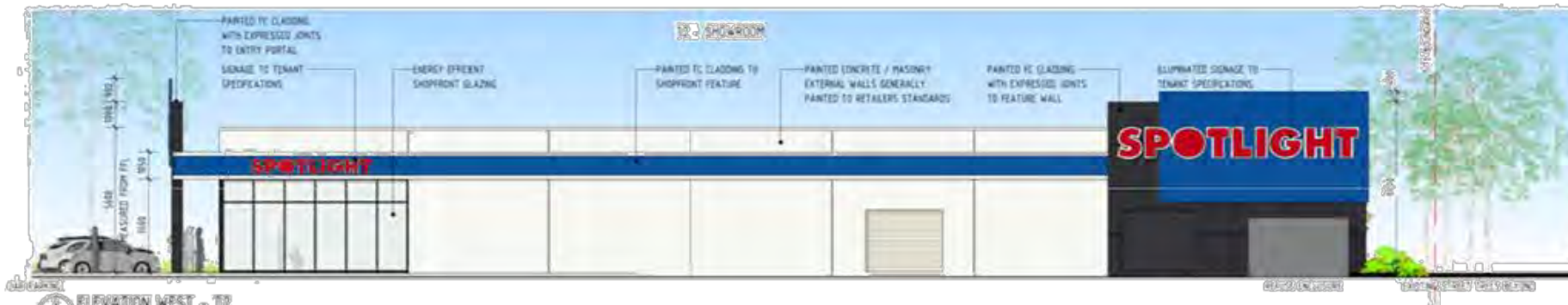
Client	City of South Burnett	Project Name	PROPOSED MIXED USE DEVELOPMENT ROGERS DRIVE, KINGARROY, QLD	Page No.	18119-DA01
Scale	1:1000	Drawn By	[Name]	Check By	[Name]
Author	[Name]	Project No.	18119-DA01	Scale	N



PERSPECTIVE 1 - T2



ELEVATION SOUTH - T2



ELEVATION WEST - T2

DA ISSUE
THIS DRAWING IS NOT FOR CONSTRUCTION

- NOTE:**
1. ALL EXTERNAL MATERIALS FINISHES SHOWN REPRESENTATIVE AND SUBJECT TO FINAL RETAILER STANDARDS
 2. ALL DIMENSIONS ARE SUBJECT TO FINAL RETAILER STANDARDS
 3. ALL DIMENSIONS ARE SUBJECT TO FINAL RETAILER STANDARDS
 4. ALL DIMENSIONS ARE SUBJECT TO FINAL RETAILER STANDARDS

THIS DRAWING INTENDS FOR DA PURPOSES ONLY AND IS NOT TO BE USED FOR CONSTRUCTION.
 ALL OTHER COMMENTS AND DIMENSIONS SHOWN ARE SUBJECT TO FINAL DESIGN/CONTRACT DOCUMENTS.
 ANY DIMENSIONS SHOWN IN THESE DRAWINGS ARE SUBJECT TO THE RESPONSIBILITY OF THE TENDERER.
 VERVE DESIGN IS NOT RESPONSIBLE FOR ANY REQUIRED CHANGES OR UPDATES TO THE DESIGN/CONTRACT DOCUMENTS.

VERVE SCHEDULES DISCLAIMER
 1. Verve schedules are provided as a guide only and are not to be used for construction.
 2. Verve schedules are subject to change without notice.
 3. Verve schedules are not to be used for construction.
 4. Verve schedules are not to be used for construction.



- 1. commercial / industrial / retail
- 2. fast food / restaurant design
- 3. brand concept / signage solutions
- 4. project concept to completion

Revision/Description		Date		By	

PROPOSED SERVICE STATION & SHOWROOM ROGERS DRIVE, KINGAROY	
Job Number: 18119 Drawing Number: DA06	Revision: B



1 PERSPECTIVE 2 - T2



2 ELEVATION NORTH - T2



3 ELEVATION EAST - T2

DA ISSUE
THIS DRAWING IS NOT FOR CONSTRUCTION

- NOTE:**
1. ALL EXTERNAL MATERIALS FINISHES SHALL BE IN ACCORDANCE WITH THE RETAILER'S SPECIFICATIONS AND APPROVED BY THE RETAILER.
 2. ALL EXTERNAL MATERIALS FINISHES SHALL BE IN ACCORDANCE WITH THE RETAILER'S SPECIFICATIONS AND APPROVED BY THE RETAILER.
 3. ALL EXTERNAL MATERIALS FINISHES SHALL BE IN ACCORDANCE WITH THE RETAILER'S SPECIFICATIONS AND APPROVED BY THE RETAILER.
 4. ALL EXTERNAL MATERIALS FINISHES SHALL BE IN ACCORDANCE WITH THE RETAILER'S SPECIFICATIONS AND APPROVED BY THE RETAILER.

THIS DRAWING IS FOR DA PURPOSES ONLY AND IS NOT TO BE USED FOR OTHER PURPOSES.
 ALL OTHER COMMENTS AND DETAILS INDICATED ONLY AND ARE SUBJECT TO THE DESIGNER'S GENERAL DESIGN RESPONSIBILITY AND THE RETAILER'S APPROVAL.
 ANY PROBLEMS WITH THE DRAWING SHALL BE THE RESPONSIBILITY OF THE TENDERER.
 THE DRAWING IS NOT TO BE USED FOR CONSTRUCTION OR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER.

VERVE SCHEDULES DISCLAIMER
 1. Verve Schedules are provided as a guide only and are not intended to be used for construction purposes.
 2. Verve Schedules are subject to change without notice.
 3. Verve Schedules are not intended to be used for construction purposes.
 4. Verve Schedules are not intended to be used for construction purposes.
 5. Verve Schedules are not intended to be used for construction purposes.



- 1. Connected / disconnected / network
- 2. Next food application design
- 3. Brand concept / service platform
- 4. Project concept to completion

Revision	Description	Date
1	Issue for DA	14/12/22
2	Issue for DA	14/12/22
3	Issue for DA	14/12/22
4	Issue for DA	14/12/22
5	Issue for DA	14/12/22
6	Issue for DA	14/12/22
7	Issue for DA	14/12/22
8	Issue for DA	14/12/22
9	Issue for DA	14/12/22
10	Issue for DA	14/12/22

PROPOSED SERVICE STATION & SHOWROOM
 ROGERS DRIVE, KINGAROY

BUILDING ELEVATIONS & PERSPECTIVES - T2
 Job Number: 18119
 Drawing Number: DA07
 Revision: B

17.3 RECONFIGURATION OF A LOT (1 LOT INTO 4 LOTS & 2 ACCESS EASEMENTS) AT 23 -25 MILLIS WAY, NANANGO (AND DESCRIBED AS LOT 4 ON RP187484) - APPLICANT: MICHAEL IVESON C/- ONF SURVEYORS

File Number: RAL22/0017
Author: Senior Planning Officer
Authoriser: Chief Executive Officer

PRECIS

Reconfiguration of a lot (1 lot into 4 lots & 2 access easements) at 23 -25 Millis Way, Nanango (and described as Lot 4 on RP187484) - Applicant: Michael Iveson C/- ONF Surveyors

SUMMARY

- The application proposes to subdivide 1 lot into 4 lots with shared access easement in the Low density residential zone;
- Subdivision is impact assessable resulting in non-compliant road frontages under the South Burnett Regional Council Planning Scheme v1.4 and assessable against:-
 - Strategic Framework;
 - Low density residential zone code;
 - Reconfiguring a lot code;
 - Services and works code.
- Lots range in size from 1,900sqm to 2,200sqm;
- All lots will take access via Mills Way via shared access easement arrangement;
- Statement of reasons (Attachment A);
- Infrastructure charges notice (Attachment B);
- No referrals triggered;
- Two public submissions received during public notification;
- Application recommended for approval subject to reasonable and relevant conditions.

OFFICER’S RECOMMENDATION

That Council approve the Reconfiguring a lot – development permit (1 lot into 4 lots) – Lot 4 on RP187484, 23-25 Millis Way Nanango – Applicant: Michael Iveson – RAL22/0017 subject to the following conditions:-

GENERAL

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

Drawing Title				
Access Layout Plan	ATC Engineers	20053	C-101	A

DEVELOPMENT PERIOD

GEN2. The currency period for this development approval for reconfiguring a lot is four (4) years after the development approval starts to have effect. The development approval will lapse unless the survey plan for all works and stages required to be given to Council for approval is provided within this period.

RECONFIGURING A LOT

RAL1. Any new earthworks or structures are not to concentrate or impede the natural flow of water across property boundaries and onto any other lots.

RAL2. 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.

RAL3. Prior to sealing the Plan of Survey, the applicant is required to pay the Council all rates and charges or any expenses being charged over the subject land under any Act in accordance with Schedule 18 Section 69 of the *Planning Act Regulation 2017*.

RAL4. Prior to the sealing of the Plan of Survey the applicant is to provide a certificate signed by a licensed surveyor stating that after the completion of all works associated with the reconfiguration, survey marks were reinstated where necessary and all survey marks are in their correct position in accordance with the Plan of Survey.

VALUATION FEES

RAL5. Payment of Department of Natural Resources, Mines and Energy valuation fees that will result from the issue of split valuations prior to Council sealing the Plan of Survey. The contribution is currently assessed at \$48.00 per lot however, the actual amount payable will be based on Council's Register of Fees & Charges and the rate applicable at the time of payment.

ENGINEERING WORKS

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

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

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

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

ENG4. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.

ENG5. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development.

STORMWATER MANAGEMENT

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

ENG7. Discharge all minor storm flows that fall or pass onto the site to a lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

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

WATER SUPPLY

ENG9. Connect each lot to Council's reticulated water supply system.

ENG10. Install a separate water service connection to each lot as per Council's standards.

SEWERAGE

ENG11. Connect all lots to Council's reticulated sewerage system. The connection must be designed in accordance with Council's standards and be approved by Council's Utility Services Section.

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

ENG13. Do not build works within 1.5 metres from the centre of any existing sewer pipe work or within the Zone of Influence, whichever is the greater (measured horizontally).

ENG14. Maintain a minimum of a 3 metre wide corridor to be maintained for maintenance/upgrade purposes.

ENG15. Ensure that a clear level area of a minimum of a 2.5 metre radius surrounding any existing sewer manholes on the site is provided for future maintenance/upgrade purposes.

ENG16. The above minimum clearances to Council's sewer infrastructure do not preclude the need for works to proposed structures to prevent loading to the sewer system.

VEHICLE ACCESS - REAR ACCESS LOTS

ENG17. Construct a reinforced concrete access driveway to the extent and standards shown in ATC Engineers & Project Managers Drawings:

Dwg No.	Title	Date	Rev
C-101	Access Layout Plan & Typical Details	26/10/2022	A
C-102	Typical Driveway Sections	26/10/2022	A

An access easement

ENG18. Design and construct all services along the full length of the access strip.

TELECOMMUNICATION

ENG19. Provide telecommunications to all lots within the development.

ELETRICITY

ENG20. Design and provide electricity supply to all lots within the development to comply with Ergon Energy's requirements.

ENG21. Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity.

EARTHWORKS - GENERAL

ENG22. Earthworks per site involving cut or fill greater than 1 metre in height and quantity of material greater than 50m³, requires an Operational Work application.

ENG23. Ensure that each lot is self-draining.

EROSION AND SEDIMENT CONTROL - GENERAL

ENG24. 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.

ENG25. Remove and clean-up the sediment or other pollutants in the event that sediment or other pollutants are tracked or released onto adjoining streets or stormwater systems, at no cost to Council.

EASEMENTS

ENG26. Provide a reciprocal access easement for the full width/length of the access handle as shown on the approved plan(s) of development.

ENG27. All services for lots 3,7,8 and 9 shall be contained within the easement.

ENG28. The restrictions imposed (non-permanent fixtures) on the property within the drainage easement, will include:

- a. a building (habitable or not), regardless of size;
- b. a bridge or culvert, tower, mast, pillar, or post;
- c. a wall or a fence (other than a dividing fence);
- d. a shipping container or similar object;
- e. a sculpture or statue;
- f. a viaduct, railway line, roadway or path;
- g. a swimming pool or a tank; or
- h. anything else that may be reasonably characterised as a structure when placed upon land (whether by affixation or by resting upon its own weight).

ADVICE

ADV1. Section 85(1)(b) of the *Planning Act 2016* provides that, if this approval is not acted upon within a period of four (4) years, the approval will lapse.

DEVELOPER INCENTIVE

ADV2. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 31 December 2023. Eligible development under this scheme is required to be completed by 31 December 2023.

For further information or application form please refer to the rules and procedures available on Council's website.

HERITAGE

ADV3. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the

associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding. A search can be arranged by visiting <https://www.datsip.qld.gov.au> and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

APPEAL RIGHTS

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

INFRASTRUCTURE CHARGES

ADV5. Infrastructure charges are levied by way of an infrastructure charges notice pursuant to section 119 of the *Planning Act 2016*.

FINANCIAL AND RESOURCE IMPLICATIONS

No implication can be identified.

LINK TO CORPORATE/OPERATIONAL PLAN

Growing our Region's Economy and Prosperity

GR8 Support and advocate for appropriate growth and development with responsive planning schemes, process, customer service and other initiatives.

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.

REPORT

The applicant seeks a Development Permit for a Reconfiguring a Lot 1 into 4 Lots and new access driveway with reciprocal easements from Millis Way.

APPLICATION SUMMARY	
Applicant:	Michael Iveson C/- ONF Surveyors
Owner:	Michael Iveson
Type of Application:	Reconfiguring a Lot Development Permit
Properly Made Date:	Application changed in response to access issues on the 15 th November 2022
Street Address:	23-25 Millis Way Nanango QLD 4615
RP Description:	Lot 4 on RP187484
State Referral Agencies:	NIL
Referred Internal Specialists:	Engineering

The following table outlines the proposed development:

PROPOSED DEVELOPMENT	
Proposed Development:	It is proposed to reconfigure the existing single lot into 4 lots with a single access driveway easements
Variations Sought:	None
Level of Assessment:	Impact Assessment

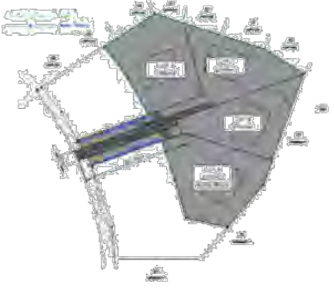
The following table describes the key development parameters for the proposal:

It is proposed to reconfigure (subdivide) the subject site, into four (4) new lots to be used for low density residential uses.

The size of the proposed lots varies between 1900m² and 2200m².

Access has been amended in response to Council concerns and a previous recommendation to refuse the development to be via a single access driveway and reciprocal access easements from Millis Way.

Electricity supply is proposed via overhead power lines. Stormwater discharge will be via on-site rainwater tanks with a minimum size of 10,000L and 100% of roof area of proposed houses and sheds connected to the tanks. The Millis Way kerb and channel at the lot frontage is unable to be used as a point of legal discharge due to the lay of the land

RECONFIGURING A LOT		DEVELOPMENT PARAMETERS	
Number of Proposed Lots		4	
Size of Proposed Lots			
Proposed Reconfiguring a Lot		Access	
3	1900m ²		
7	220m ²		
8	2150m ²		
9	2070m ² (existing house lot)		
Easements		Easements shared over the driveway area for all lots and individual driveways into each property.	
Covenants		none	

SITE DETAILS

SITE AND LOCALITY DESCRIPTION	
Land Area:	1.185ha
Existing Use of Land:	Existing dwelling house (proposed to be located within new lot 9)
Road Frontage:	The existing lot is accessed via its frontage to Millis way access handle (it is an existing rear lot).
Significant Site Features:	Nil
Surrounding Land Uses:	1. Northern boundary existing low density residential development 2. Western Boundary- rural residential development 3. Southern and Eastern boundary comprised of low density residential and rural residential development

Background / Site History

APPLICATION NO.	DECISION AND DATE
IR1224160 & RAL20/0007	A development permit for reconfiguring a lot (1 lot into 6 lots) was approved by council on 24 July 2021, this created the subject lot that this application applies to. The earlier lots created are located along the frontage of this land and front Millis Way. The currency period of the approval was extended until 24 July 2024

ASSESSMENT

Framework for Assessment

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

1. the *Planning Regulation 2017*
2. the Planning Scheme for the local government area
3. any Temporary Local Planning Instrument
4. any Variation Approval

in this instance the existing development approval for Stage 1 of this subdivision project over the same land is an applicable relevant matter in this assessment.

The following sections of the *Planning Act 2016* are relevant to this application:

45(5) An impact assessment is an assessment that –

1. **must be carried out –**
 1. **against the assessment benchmarks in a categorising instrument for the development; and**
 1. **having regard to any matters prescribed by regulation for this subparagraph; and**
 1. **may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.**

In regard to the prescribed regulation, being the Planning Regulation 2017, the following sections apply in the assessment of this application:

Section 30 – Assessment Benchmarks generally

(1) For section 45(5)(i) of the Act, the impact assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.

(2) Also, if the prescribed assessment manager is the local government, the impact assessment must be carried out against the following assessment benchmarks—

(a) the assessment benchmarks stated in—

(i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and

(ii) the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and

(iii) a temporary State planning policy applying to the premises;

(b) if the development is not in a local government area-any local planning instrument for a local government area that may be materially affected by the development;

(c) if the local government is an infrastructure provider—the local government's LGIP.

(3) However, an assessment manager may, in assessing development requiring impact assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.

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:		Walkable neighbourhoods Schedule 12A State Planning Policy 2017	
WBB	Regional	Plan	Urban
Designation:			

State Planning Policy Part E	
<p>The State Planning Policy (July 2017) (SPP) commenced on the 3 July 2017 and is effective at the time of writing this report. The Planning Regulation 2017 (PR 2017) states the assessment <u>must be carried out against the assessment benchmarks</u> stated in Part E of the State Planning Policy to the extent Part E is not appropriately integrated into the planning scheme.</p> <p>The current planning scheme does not integrate SPP2017 and so an assessment of policies that are relevant is provided below</p>	
liveable communities and housing	<p>Complies.</p> <p>Development provides roads, services, infrastructure required to service the needs of future residents in an urban infill area</p>
economic growth <ul style="list-style-type: none"> • Agriculture. • Development and construction. • Mining and extractive resources. • Tourism. 	No applicable assessment benchmarks
Planning for the environment and heritage. <ul style="list-style-type: none"> • Biodiversity. • Coastal environment. • Cultural heritage. • Water quality 	<p>(1) Development is located, designed, constructed and operated to avoid or minimise adverse impacts on environmental values arising from: (a) altered stormwater quality and hydrology (b) waste water (c) the creation or expansion of non-tidal artificial waterways (d) the release and mobilisation of nutrients and sediments. (2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2)</p>
safety and resilience to hazards <ul style="list-style-type: none"> • Emissions and hazardous activities. • Natural hazards, risk and resilience. 	<p>The site is not subject to and will not generate emissions and hazardous activities.</p> <p>Whilst the site is mapped by the regional flood plan layer, the planning scheme flood overlay map does not affect the subject site. The refined planning mapping overrides in this case. There are no impacts from natural hazards to address.</p>
infrastructure <ul style="list-style-type: none"> • Energy and water supply. • Infrastructure integration. 	Complies.

<ul style="list-style-type: none"> • Transport infrastructure. • Strategic airports and aviation facilities. • Strategic ports. 	<p>All appropriate residential services infrastructure and connections can be made and are conditioned as part of the approval.</p>
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Walkable Neighbourhoods

The proposal is not subject to assessment against the assessment benchmarks of Schedule 12A Assessment benchmarks for reconfiguring a lot of the Planning Regulation 2017. The reconfiguration is the subdivision of the subject site into 2 or more lots and the subject site is wholly within a prescribed zone under the local planning instrument. The emerging community zone is a prescribed zone under the Regulation, but the proposal does not involve the opening of a new road which would trigger the assessment.

The applicable planning scheme for the application is South Burnett Regional Council Version 1.4.

The proposed development was assessed against the following assessment benchmarks:

Relevant Parts

1. Part 3 – Strategic Framework
2. Part 6 – Emerging Community Zone Code
3. Part 8 – Development Codes – Reconfiguring a Lot Code and Services and Works Code

Zones

Emerging Community Zone

6.2.11.2 Purpose (1) The purpose of the emerging community zone is to–

- (a) identify land that is intended for an urban purpose in the future;
- (b) protect land that is identified for an urban purpose in the future from incompatible uses; and
- (c) provide for the timely conversion of non-urban land to land for urban purposes.

Overlays

Nil.

Other Codes

RAL Code

8.4.1.2 Purpose (1) The purpose of the Reconfiguring a lot code is to ensure development:

- (a) Provides a compact urban form of safe, attractive and well-connected neighbourhoods that provide a variety of housing options and convenient access to services.
- (b) Provides opportunities for rural residential living with good access to services.
- (c) Manages the potential risks from natural and man-made hazards.
- (d) Avoids unnecessary impacts on the natural environmental, features and resources.
- (e) Allows for the efficient and sequential provision of urban infrastructure and an enhanced open space network

Services and Works Code

8.4.2.2 Purpose (1) The purpose of the Works and services code is to provide for the adequate provision of services and control of operational works.

(2) The purpose of the code will be achieved through the following overall outcomes:

- (a) Infrastructure is provided in a cost-effective, efficient and co-ordinated manner to a standard ordinarily expected in the locality.
- (b) Development is planned, designed, constructed and operated to manage stormwater and wastewater in ways that protect environmental values and achieve water quality objectives;

- (c) Development is provided with sufficient vehicle parking and servicing in a manner that provides safe and efficient access and circulation.
- (d) Landscaping enhances visual amenity, integrates the built and natural environments, maximises water efficiency, minimises soil loss, provides shade in large, paved areas and does not adversely impact on infrastructure.
- (e) Filling or excavation maintains the amenity and health of the community and environment.
- (f) Development is reflective of and responsive to the environmental constraints of the land and is established where the impacts of natural hazards are avoided or safely managed.

EMERGING COMMUNITY ZONE CODE:	
Overall Outcomes	
(a) Provide for urban development of identified land at Kingaroy, Nanango, Murgon and Blackbutt for which a full assessment of site constraints and urban infrastructure servicing is required before development can occur	Complies. Development is designed to connect to the surrounding urban pattern of development and the site is relatively unconstrained. Urban infrastructure can be connected and is conditioned.
(c) Land is developed in an orderly sequence and in accordance with a structure planning process that includes the provision of infrastructure, consideration of environmental constraints and integration of development sites	
(d) Development responds to land constraints, including but not limited to topography, bushfire and flooding.	
(g) Significant topographic, landscape, recreational and cultural features, as well as waterways, wetlands, natural habitat areas and corridors are protected and enhanced.	
Performance Outcomes	
PO1 Development of emerging urban areas: (a) appropriately addresses geographical constraints; (b) protects environmental and cultural heritage values; (c) integrates with existing or approved development in the surrounding area; (d) provides appropriate road, cycleway, pedestrian or open space linkages with satisfactory internal connectivity and integration with surrounding development; (e) provides for major stormwater flow paths through the site; (f) protects floodplains and water quality; (g) provides necessary physical infrastructure; and (h) achieve an appropriate	The applicant has not included a structure plan and no approved structure plan applies to the site. Being an 'end' block with no other connectivity opportunities other than to Player Street and the subdivision appropriately extends the road network there are no requirements for the applicant to submit a structure plan. There are no onsite hazards or constraints for structure planning to address and infrastructure can be provided for residential use.

<p>level of amenity and safety for adjoining land uses.</p>	<p>There are no significant landscape or other features on site to address that requires a detailed structure plan.</p> <p>Conditions are included to manage impacts on surrounding land and potential impacts to council infrastructure on adjoining land.</p>
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Reconfiguring a LOT CODE	
Purpose	
<p>(a) Lots are of a size and dimension suitable for their intended use and have due regard to local geographical constraints, identified hazards, fragmentation of agricultural land and community expectations of residential separation and character.</p> <p>(b) Reconfiguring a lot contributes to good urban design outcomes, safe and attractive neighbourhoods and functional industrial areas that are consistent with the intended character of the particular locality.</p> <p>(c) In-fill and consolidation of existing urban areas is maximised where consistent with the intended nature of the zone.</p> <p>(d) Reconfiguring a lot does not compromise the viability and productivity of identified agricultural land, extractive and coal resources and the Swickers Bacon Factory and maintains appropriate buffers to these resources.</p> <p>(e) Areas or features of environmental significance are not adversely impacted by habitat loss, fragmentation or isolation.</p> <p>(f) A structured road hierarchy is created that provides safe, convenient and efficient connectivity and circulation for vehicles, cyclists and pedestrians.</p> <p>(g) An integrated public open space network is available to meet the needs of the community for outdoor recreation and social activities and the protection of valuable features.</p> <p>(h) Lots are provided with water supply, stormwater disposal, sustainable effluent and waste disposal, telecommunications and power, to standards appropriate for the zone.</p>	<p>Development complies with (a), (b), (c), (e), (f), (g) and (h) as applicable to this infill development site.</p> <p>Minimum lot sizes are achieved, and a mix is provided throughout the subdivision.</p> <p>Road connection and services connects continue the orderly and integrated pattern of development in the residential neighbourhood.</p> <p>There are no significant values or constraints applicable to the site that require a specific or dedicated design response.</p>

Issues Raised

The applicant was issued an information request on the 30th May 2022 outlining concerns with the access arrangement non-compliances which is a reflection of the number of new lots being

proposed within an existing balance rear lot (with a single limited dimension access handle only approved and established to cater for limited rear allotments).

Submissions received during public notification raised issues with Stormwater drainage. The applicant has now provided application material regarding how the lots will manage stormwater on site that is assessed as being acceptable under engineering standards.

Local Categorising Instrument - Variation Approval

N/A

Local Categorising Instrument - Temporary Local Planning Instrument

N/A

Locality Plan

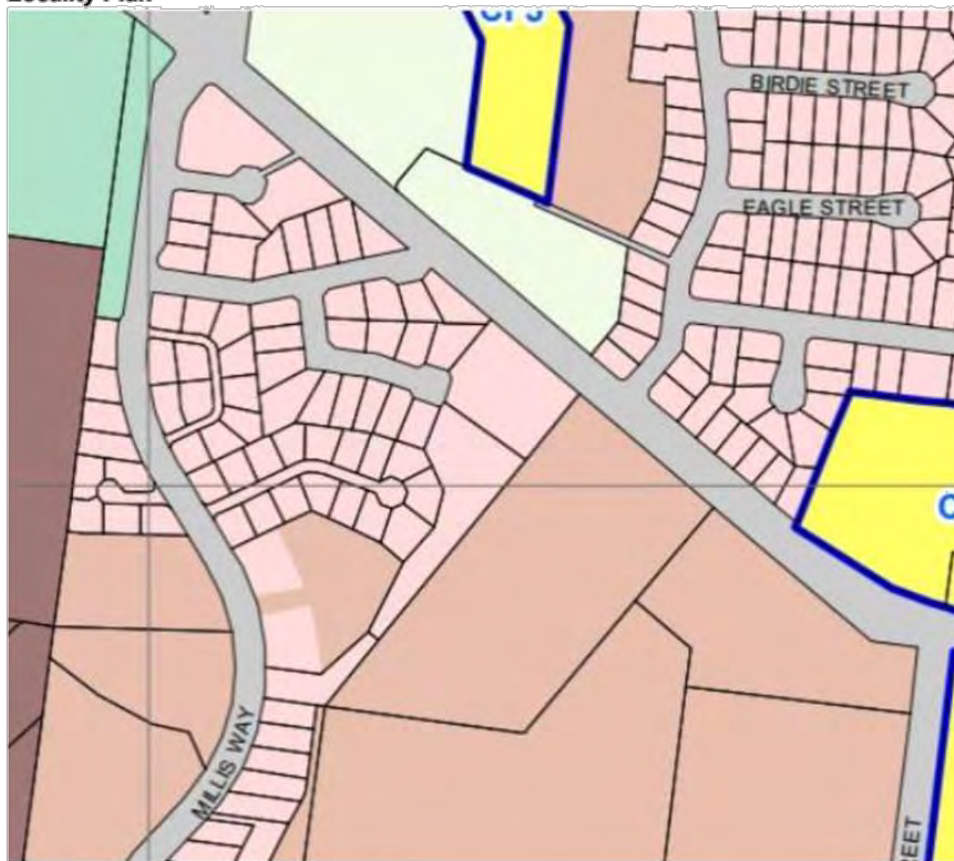


Figure 1 - Locality Plan (Source: IntraMaps)

Aerial Plan



Figure 2 - Aerial Image (Source: Qld Globe)

CONSULTATION:

Referral Agencies

There are no referrals for this development application under Schedule 10 of the *Planning Regulation 2017*

Other Referrals

INTERNAL SPECIALIST	REFERRAL / RESPONSE
Development Engineer	Provided conditions relevant to the development application.
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"> 1. Reconfiguring a lot; 2. Making a material change of use; 3. Carrying out building work. <p>The property is within the water supply, sewerage, transport, and stormwater networks and is therefore subject to the relevant adopted charges.</p> <p>The current charge for the proposed development is \$60,255.00.</p> <p>Refer to Attachment B for the Infrastructure Charges Notice.</p>

Public Notification

The application was required to undertake public notification. The notification occurred for the relevant statutory period and no issues have arising from any of the compliance requirements for public notification.

During the period of notification, two public submissions were received. The submissions outlined the following concerns to which a response has been provided in the below table.

Submission Issue	Submission Response
1. Stormwater discharge	1. The proposal has demonstrated how the subdivision will be appropriately designed and connected to on site stormwater management systems to ensure nuisance to adjoining land is avoided. If nuisance occurs actions can be taken against the properties whose stormwater management is the cause of any problem, off site. Conditions of approval run with the land and apply in perpetuity.
1. Future development of lots (density)	1. The proposed lot sizes exceed the minimum lot size of the zone both access and stormwater are managed by way of conditions.
2. Stormwater discharge	2. Stormwater management has been demonstrated to be compliant with the Planning Scheme and referred standards for proposal.
3. Fencing along shared boundaries	3. The QDC dictates setback of structures from boundaries

	<p>4. The type of fencing is not a relevant planning matter and not regulated by the planning scheme.</p> <p>5. Dwellings in the Emerging Community zone are limited to a single dwelling house as development not requiring a further development application. As such should any lot propose a secondary dwelling it will be subject to the requirements of the planning scheme and may require a Code assessable development application.</p> <p>Duplex (dual occupancy) dwellings and multiple dwellings are subject to impact assessment in the Emerging Community zone and would be subject to further public notification.</p>
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RECOMMENDATION:

It is recommended that the Impact assessable application for a Development Permit for Reconfiguring a Lot 1 into 4 lots be approved subject to reasonable and relevant conditions.

ATTACHMENTS

1. **Attachment A - Statement of Reasons**
2. **Attachment B - Infrastructure Charges Notice**

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	
Applicant:	Michael Iveson CI- ONF Surveyors
Application No:	RAL22/0017
Proposal:	Reconfiguring a Lot Development Permit 1 lot into 4 lots
Street Address:	23-25 Millis Way Nanango QLD 4615
RP Description:	Lot 4 on RP187484
Assessment Type:	Impact Assessment
Submissions	Two

On the 14 December 2022 the above development was:

- Approved in full, with conditions.

1. Assessment Benchmarks

The following are the benchmarks apply to this development:

South Burnett Regional Council Planning Scheme 2017

- Strategic Framework
- Emerging Community Zone Code
- Reconfiguring a Lot Code
- Services & Works Code

2. Reasons for the Decision

The reasons for this decision are:

- The proposal is consistent with the overall outcomes for the rural residential zone and the precinct of the zone.
- The proposal is not subject to constraints by mapped overlays that would otherwise have an impact on the proposal.
- Reasonable and relevant conditions of approval can be imposed to ensure compliance with the South Burnett Planning Scheme 2017 requirements for infrastructure and servicing delivery standards.
- The proposal presents no conflicts with the assessment benchmarks that cannot be addressed.

3. Compliance with Benchmarks

The development was assessed against all the assessment benchmarks listed above and consideration has been given to other grounds and the development is non-compliant with critical design components that cannot be conditioned to comply. The proposal is hereby recommended for refusal.

INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT: Michael Iveson
 C/- ONF Surveyors
 PO Box 896
 KINGAROY QLD 4610

APPLICATION: Reconfiguration of a Lot - Development Permit (1 Lot into 4 Lots and 2 Access Easements)

DATE: 06/12/2022

FILE REFERENCE: RAL22/0017

AMOUNT OF THE LEVIED CHARGE: **\$60,255.00** **Total**
(Details of how these charges were calculated are shown overleaf)

\$29,526.00	Water Supply Network
\$16,269.00	Sewerage Network
\$7,230.00	Transport Network
\$6,027.00	Parks and Land for Community Facilities Network
\$1,203.00	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 4 RP167484

SITE ADDRESS: 23-25 Mills Way, Nanango, Qld

PAYABLE TO: South Burnett Regional Council

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

OFFSET OR REFUND: Not Applicable.

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

DETAILS OF CALCULATION

Water Supply

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot	3	allotments	\$9,842.00	CR Table 2.3	\$29,526.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Nil – Credit for existing lot applied as part of previous subdivision approval (RAL20/0007).	-	-	\$0.00	-	\$0.00

Sewerage

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot	3	allotments	\$5,423.00	CR Table 2.3	\$16,269.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Nil – Credit for existing lot applied as part of previous subdivision approval (RAL20/0007).	-	-	\$0.00	-	\$0.00

Transport

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot	3	allotments	\$2,410.00	CR Table 2.3	\$7,230.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
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Nil – Credit for existing lot applied as part of previous subdivision approval (RAL20/0007).	-	-	\$0.00	-	\$0.00
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Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot	3	allotments	\$2,009.00	CR Table 2.3	\$6,027.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Nil – Credit for existing lot applied as part of previous subdivision approval (RAL20/0007).	-	-	\$0.00	-	\$0.00

Stormwater

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot	3	allotments	\$401.00	CR Table 2.3	\$1,203.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Nil – Credit for existing lot applied as part of previous subdivision approval (RAL20/0007).	-	-	\$0.00	-	\$0.00

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
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Reconfiguring a Lot	\$29,526.00	\$16,269.00	\$7,230.00	\$6,027.00	\$1,203.00	\$60,255.00
Total	\$29,526.00	\$16,269.00	\$7,230.00	\$6,027.00	\$1,203.00	\$60,255.00

** 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.*

INFORMATION NOTICE

Authority and Reasons for Charge	This Infrastructure Charges Notice has been given in accordance with section 119 of the <i>Planning Act 2016</i> to support the Local government's long-term infrastructure planning and financial sustainability.
Appeals	Pursuant to section 229 and Schedule 1 of the <i>Planning Act 2016</i> a person may appeal an Infrastructure Charges Notice. Attached is an extract from the <i>Planning Act 2016</i> that details your appeal rights.
Automatic Increase Provision of charge rate (\$)	<p>An infrastructure charge levied by South Burnett Regional Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI average¹. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.</p> <p>However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Authority could have levied for the development at the time the charge is paid.</p>
GST	The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the <i>Planning Act 2016</i> are GST exempt.
Making a Payment	<p>This Infrastructure Charges Notice cannot be used to pay your infrastructure charges.</p> <p>To pay the levied charge, you must request an Itemised Breakdown showing the total levied charge payable at the time of payment. An Itemised Breakdown must be presented at the time of payment.</p> <p>An Itemised Breakdown may be requested by emailing info@southburnett.qld.gov.au</p>

¹ 3-yearly PPI average is defined in section 114 of the *Planning Act 2016* and means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters. PPI index is the producer price index for construction 6422.0 (ABS PPI) index number 3101 – Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics.

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;
- 46 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



Our reference: 2009-18971 SRA
Your reference: MCU21/0019 HC:TB
Applicant reference: 200911

13 July 2022

The Chief Executive Officer
South Burnett Regional Council
PO Box 336
KINGAROY QLD 4610
info@southburnett.qld.gov.au

Attention: Ms Sam Dunstan

Dear Ms Dunstan

SARA Response – Rogers Drive, KINGAROY (Lot 5 on SP112069)

(Given under Section 56 of the *Planning Act 2016*)

The development application described below was confirmed as being properly referred to the State Assessment and Referral Agency (SARA) on 30 September 2020.

Response

Outcome:	Referral Agency Response under Section 56(1)(b) of the <i>Planning Act 2016</i>
Date of response:	13 July 2022
Conditions:	The approval is subject to the conditions in Attachment 1
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development Details

Description:	Development Permit for Material Change of Use (MCU) – Service Station, Food and Drink Outlet and Showroom
SARA role:	Referral agency

2009-18971 SRA

SARA triggers: Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1–
Material change of use of premises near a State transport corridor
(Planning Regulation 2017)

SARA reference: 2009-18971 SRA

Assessment Manager: South Burnett Regional Council

Street address: Rogers Drive, KINGAROY

Real property description: Lot 5 on SP112069

Applicant name: Property Opportunities Holdings Pty Ltd

Applicant contact details: C/- Adam + Sparkes Town Planning
PO Box 1000
BUDDINA QLD 4575
admin@astpd.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (section 30 of the Development Assessment Rules).

Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Peter Mulcahy, Principal Planning Officer, on (07) 3307 6123 or via email WBBSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
Manager, Planning – Wide Bay Burnett

enc Attachment 1 – Referral agency conditions
Attachment 2 – Advice to the applicant
Attachment 3 – Reasons for referral agency response
Attachment 4 – Representations about a referral agency response
Attachment 5 – Approved plans and specifications

cc Property Opportunities Holdings Pty Ltd
C/- Adam + Sparkes Town Planning
admin@astpd.com.au

Department of Transport and Main Roads
Wide.Bay.Burnett.IDAS@tmr.qld.gov.au

Attachment 1—Referral agency conditions

(Under Section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions	Condition timing
Development Permit for Material Change of Use (MCU) – Service Station, Food and Drink Outlet and Showroom		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 of the Planning Regulation 2017—The Chief Executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> • <i>Proposed Site Plan</i> prepared by Verve Building Design Co. dated 26 May 2022, Drawing No. 18119-DA01, Revision N (as amended in red by SARA on 13 July 2022); • <i>Site Elevations & Perspectives</i> prepared by Verve Building Design Co. dated 26 May 2022, Drawing No. 18119-DA03, Revision B (as amended in red by SARA on 13 July 2022); in particular: <ul style="list-style-type: none"> - provision of line-marking and 'no entry' signage for the exit only driveway - provision of headlight screening panels to prevent headlight glare from the development impacting on trucks and cars travelling on the D'Aguiar Highway 	Prior to the commencement of use and to be maintained at all times.
2.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road. (b) Any works on the land must not: <ol style="list-style-type: none"> i. create any new discharge points for stormwater runoff onto the state-controlled road ii. interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; iii. surcharge any existing culver or drain on the state-controlled road; iv. reduce the quality of stormwater discharge onto the state-controlled road (c) Registered Professional Engineer of Queensland (RPEQ) certification with supporting documentation must be provided to the Wide Bay Burnett District via e-mail to Wide.Bay.Burnett.IDAS@tmr.qld.gov.au within the Department of Transport and Main Roads confirming that the development has been designed and constructed in accordance with part (a) of this condition.	(a) At all times. (b) At all times. (c) Prior to the commencement of use.
3.	Direct access is not permitted between the D'Aguiar Highway and the subject site (Lot 5 on SP112069).	At all times.

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.
Advertising devices	
2.	Advertising devices to be placed on the subject site which will be visible from the from the state-controlled roads should be in located and designed accordance with the Department of Transport and Main Roads Roadside Advertising Manual 2nd Edition . Where advertising devices are not in accordance with the Department of Transport and Main Roads Roadside Advertising Manual 2nd Edition , and are considered to be a hazard or distraction to drivers, the Department of Transport and Main Roads may exercise powers under the <i>Transport Infrastructure Act 1994</i> to have the signage modified or removed. Any such action required will be at the expense of the landowner or occupier.

Attachment 3—Reasons for referral agency response

(Given under Section 56(7) of the *Planning Act 2016*)

The reasons for the SARA decision are:

The proposed development complies with the assessment benchmarks and purpose statement within State Code 1: Development in a state-controlled road environment of the State Development Assessment Provisions, as the proposed development is:

- not considered to result in safety and efficiency impacts on the state-controlled road network
- not considered to create a safety hazard for users of a state-controlled road
- not considered to result in stormwater impacts on the state-controlled road network

Conditions have been applied to ensure compliance with State Code 1 where applicable.

Material used in the assessment of the application:

- The development application material.
- *Planning Act 2016*.
- Planning Regulation 2017.
- The *State Development Assessment Provisions (Version 2.6)*.
- The Development Assessment Rules (DA Rules).
- SARA DA Mapping system.
- *Human Rights Act 2019*.

2009-18971 SRA

Attachment 4—Representations about a referral agency response

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding representations about a referral agency response

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

2009-18971 SRA

Attachment 5—Approved plans and specifications

D.A ISSUE

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2009-18971 SRA

Date: 13 July 2022

RPD
 LOT 5 on SP112069
 PARISH OF BOONENNE
 COUNTY OF FITZROY
 COUNCIL: SOUTH BURNETT REGIONAL

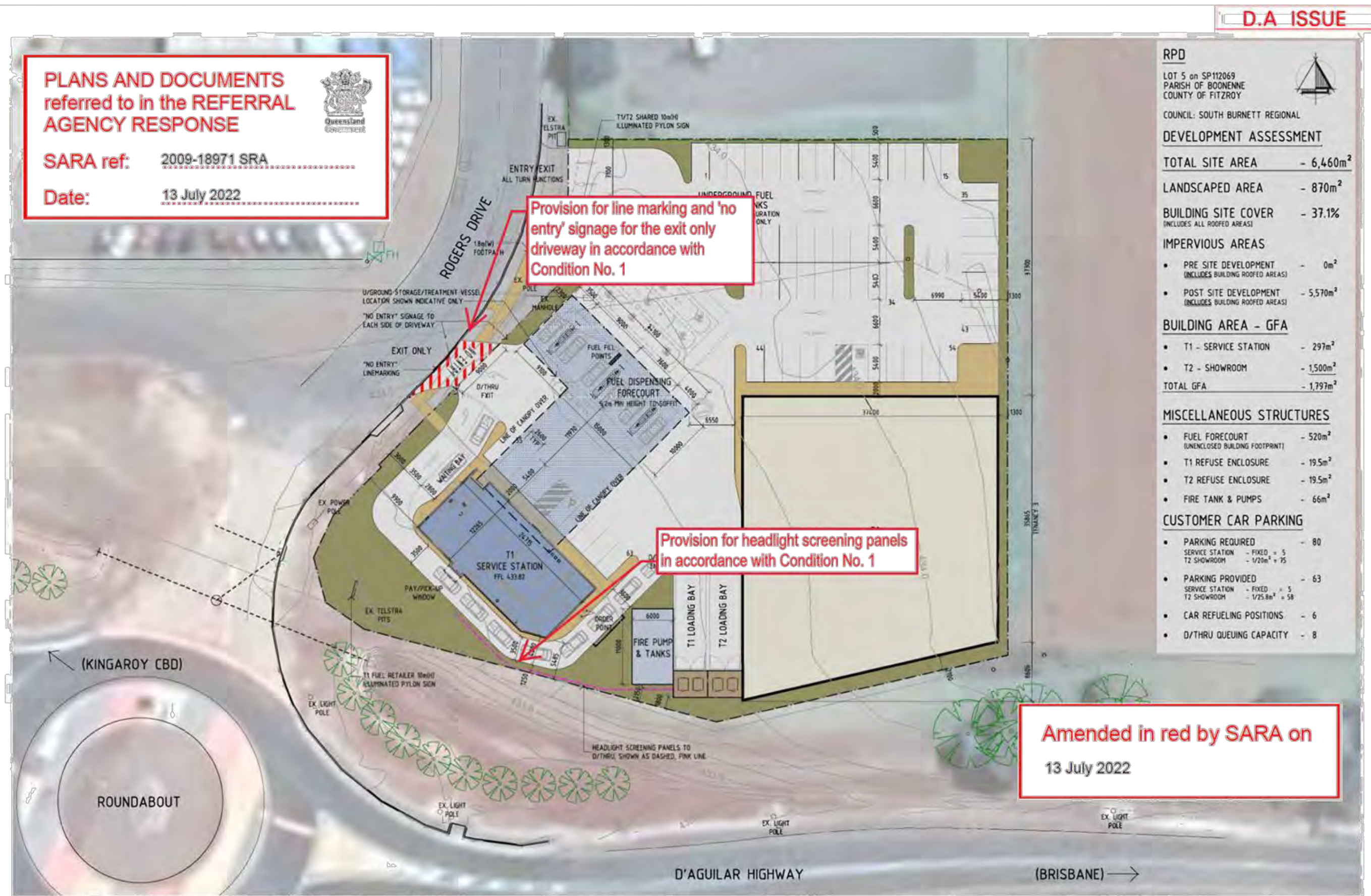
DEVELOPMENT ASSESSMENT

TOTAL SITE AREA	- 6,460m ²
LANDSCAPED AREA	- 870m ²
BUILDING SITE COVER (INCLUDES ALL ROOFED AREAS)	- 37.1%
IMPERVIOUS AREAS	
• PRE SITE DEVELOPMENT (INCLUDES BUILDING ROOFED AREAS)	- 0m ²
• POST SITE DEVELOPMENT (INCLUDES BUILDING ROOFED AREAS)	- 5,570m ²
BUILDING AREA - GFA	
• T1 - SERVICE STATION	- 297m ²
• T2 - SHOWROOM	- 1,500m ²
TOTAL GFA	- 1,797m ²
MISCELLANEOUS STRUCTURES	
• FUEL FORECOURT (UNENCLOSED BUILDING FOOTPRINT)	- 520m ²
• T1 REFUSE ENCLOSURE	- 19.5m ²
• T2 REFUSE ENCLOSURE	- 19.5m ²
• FIRE TANK & PUMPS	- 66m ²
CUSTOMER CAR PARKING	
• PARKING REQUIRED	- 80
SERVICE STATION - FIXED	= 5
T2 SHOWROOM - 1/20m ²	= 75
• PARKING PROVIDED	- 63
SERVICE STATION - FIXED	= 5
T2 SHOWROOM - 1/25.8m ²	= 58
• CAR REFUELING POSITIONS	- 6
• D/THRU QUEUING CAPACITY	- 8

Provision for line marking and 'no entry' signage for the exit only driveway in accordance with Condition No. 1

Provision for headlight screening panels in accordance with Condition No. 1

Amended in red by SARA on 13 July 2022



Consulting Engineer

VERVE

- commercial / industrial / retail
- fast food restaurant design
- travel centre / service stations
- project concept to completion

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Rev	Date	Description
1	13/07/2022	ISSUE FOR PERMIT
2	13/07/2022	ISSUE FOR PERMIT

Project/Description: PROPOSED MIXED USE DEVELOPMENT ROGERS DRIVE, KINGAROY, QLD

Drawing Title: PROP. SITE PLAN

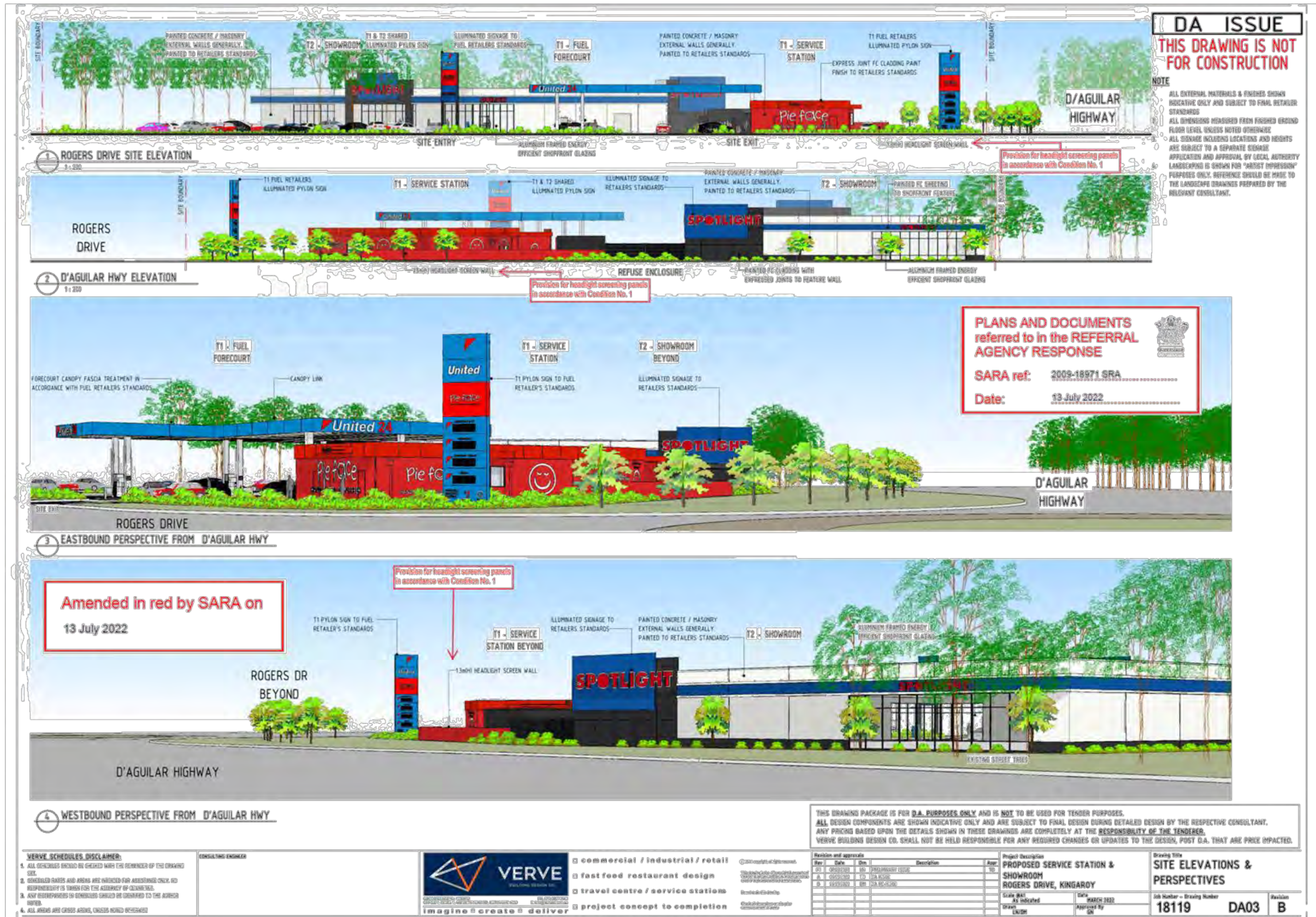
Scale: 1:200 @ A1 / 1:500 @ A0

Client: 18119-DA01

Author: [Name]

Check: [Name]

Appr: [Name]



ATTACHMENT B

INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT: Property Opportunities Holdings Pty Ltd
C/- Adams & Sparkes Town Planning
15 Beelarong Street
MORNINGSIDE QLD 4170

APPLICATION: Material Change of Use - Service Station & Showroom

DATE: 25/01/2023

FILE REFERENCE: MCU20/0017

AMOUNT OF THE LEVIED CHARGE: **\$199,454.00** **Total**
(Details of how these charges were calculated are shown overleaf)

\$92,211.00	Water Supply Network
\$50,895.00	Sewerage Network
\$45,207.00	Transport Network
\$0.00	Parks and Land for Community Facilities Network
\$11,140.00	Stormwater Network

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

LAND TO WHICH CHARGE APPLIES: Lot 5 SP112069

SITE ADDRESS: Rogers Dr, 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**

DETAILS OF CALCULATION

Water Supply

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial (Retail) - Service Station	297	m ² GFA,	\$63.00	CR Table 2.2	\$18,711.00
Commercial Bulk Goods (Showroom)	1,500	m ² GFA,	\$49.00	CR Table 2.2	\$73,500.00

Discounts*

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

Sewerage

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial (Retail) - Service Station	297	m ² GFA,	\$35.00	CR Table 2.2	\$10,395.00
Commercial Bulk Goods (Showroom)	1,500	m ² GFA,	\$27.00	CR Table 2.2	\$40,500.00

Discounts*

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

Transport

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial (Retail) - Service Station	297	m ² GFA,	\$31.00	CR Table 2.2	\$9,207.00
Commercial Bulk Goods (Showroom)	1,500	m ² GFA,	\$24.00	CR Table 2.2	\$36,000.00

Discounts*

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

Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial (Retail) - Service Station	297	m ² GFA,	\$0.00	CR Table 2.2	\$0.00
Commercial Bulk Goods (Showroom)	1,500	m ² GFA,	\$0.00	CR Table 2.2	\$0.00

Discounts*

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

Stormwater

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial (Retail) - Service Station	2,785	m ² impervious	\$2.00	CR Table 2.2	\$5,570.00
Commercial Bulk Goods (Showroom)	2,785	m ² GFA,	\$2.00	CR Table 2.2	\$5,570.00

Discounts*

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

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Commercial (Retail) - Service Station	\$18,711.00	\$10,395.00	\$9,207.00	\$0.00	\$5,570.00	\$43,883.00
Commercial Bulk Goods (Showroom)	\$73,500.00	\$40,500.00	\$36,000.00	\$0.00	\$5,570.00	\$155,571.00
Total	\$92,211.00	\$50,895.00	\$45,207.00	\$0.00	\$11,140.00	\$199,454.00

** 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.*

INFORMATION NOTICE

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Automatic Increase Provision of charge rate (\$)	<p>An infrastructure charge levied by South Burnett Regional Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI average¹. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.</p> <p>However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Authority could have levied for the development at the time the charge is paid.</p>
GST	The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the <i>Planning Act 2016</i> are GST exempt.
Making a Payment	<p>This Infrastructure Charges Notice cannot be used to pay your infrastructure charges.</p> <p>To pay the levied charge, you must request an Itemised Breakdown showing the total levied charge payable at the time of payment. An Itemised Breakdown must be presented at the time of payment.</p> <p>An Itemised Breakdown may be requested by emailing info@southburnett.qld.gov.au</p>

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

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

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

Enquiries

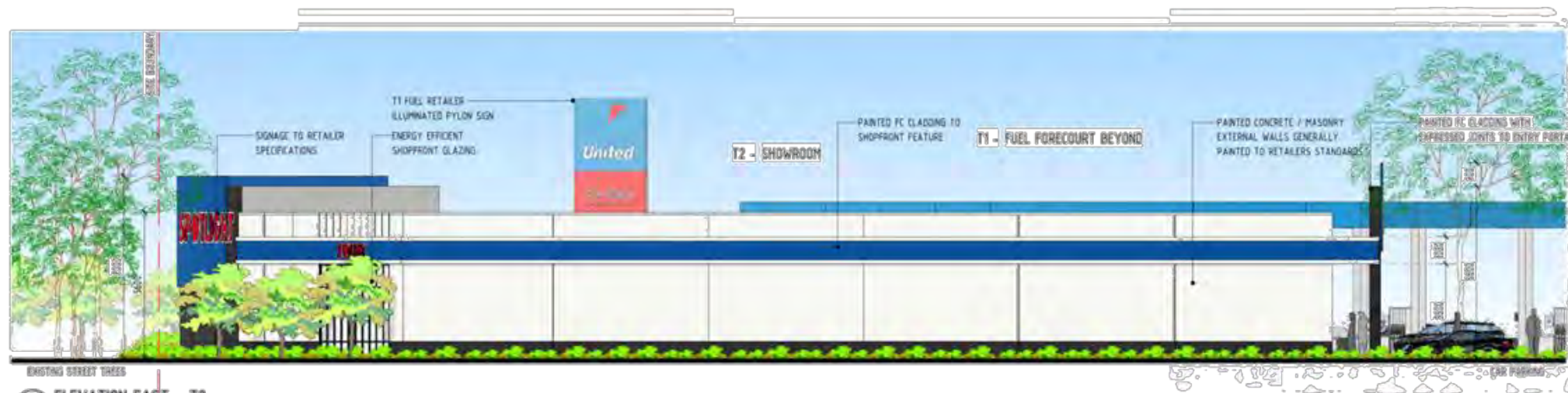
Enquiries regarding this Infrastructure Charges Notice should be directed to the SOUTH BURNETT REGIONAL COUNCIL, Department of Planning and Land Management, during office hours, Monday to Friday by phoning (07) 4189 9100 or email at info@southburnett.qld.gov.au



1 PERSPECTIVE 2 - T2



2 ELEVATION NORTH - T2
1:100



3 ELEVATION EAST - T2
1:100

DA ISSUE
THIS DRAWING IS NOT FOR CONSTRUCTION

- NOTE**
1. ALL EXTERNAL MATERIALS & FINISHES SHOWN INDICATIVE ONLY AND SUBJECT TO FINAL RETAILER STANDARDS
 2. ALL OPENINGS MEASURED FROM FINISHED GROUND FLOOR LEVEL UNLESS NOTED OTHERWISE
 3. ALL SIGNAGE INCLUDING LOCATIONS AND HEIGHTS ARE SUBJECT TO A SEPARATE SIGNAGE APPLICATION AND APPROVAL BY LOCAL AUTHORITY
 4. LANDSCAPING IS SHOWN FOR 'ARTIST IMPRESSION' PURPOSES ONLY. REFERENCE SHOULD BE MADE TO THE LANDSCAPE DRAWINGS PREPARED BY THE RELEVANT CONSULTANT.

THIS DRAWING PACKAGE IS FOR D.A. PURPOSES ONLY AND IS NOT TO BE USED FOR TENDER PURPOSES. ALL DESIGN COMPONENTS ARE SHOWN INDICATIVE ONLY AND ARE SUBJECT TO FINAL DESIGN DURING DETAILED DESIGN BY THE RESPECTIVE CONSULTANT. ANY PRICING BASED UPON THE DETAILS SHOWN IN THESE DRAWINGS ARE COMPLETELY AT THE RESPONSIBILITY OF THE TENDERER. VERVE BUILDING DESIGN CO. SHALL NOT BE HELD RESPONSIBLE FOR ANY REQUIRED CHANGES OR UPDATES TO THE DESIGN, POST D.A. THAT ARE PRICE IMPACTED.

VERVE SCHEDULES DISCLAIMER:

1. ALL SCHEDULES SHOULD BE CHECKED WITH THE REMINDER OF THE DRAWING SET.
2. SCHEDULED PARTS AND AREAS ARE INTENDED FOR ASSISTANCE ONLY. NO RESPONSIBILITY IS TAKEN FOR THE ACCURACY OF GENERAL INFO.
3. ANY DISCREPANCIES IN SCHEDULES SHOULD BE IDENTIFIED TO THE ARCHITECT IMMEDIATELY.
4. ALL AREAS ARE CROSS CHECKED, UNLESS NOTED OTHERWISE.

CONSULTING ENGINEER



- commercial / industrial / retail
- fast food restaurant design
- travel centre / service stations
- project concept to completion

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www.vervearchitectural.com.au
verve@vervearchitectural.com.au

Rev	Date	By	Description	Appr
01	02/02/23	EN	PROPOSED SERVICE STATION & SHOWROOM	
A	02/02/23	EN	TO DA ISSUE	
B	02/02/23	EN	FOR PERMIT	

Project Description
PROPOSED SERVICE STATION & SHOWROOM
ROGERS DRIVE, KINGAROO

Scale: As indicated
Date: MARCH 2022
Drawn: EN/DM
Approved By: EN

Drawing Title
BUILDING ELEVATIONS & PERSPECTIVES - T2

Job Number - Drawing Number
18119 DA07

Revision
B



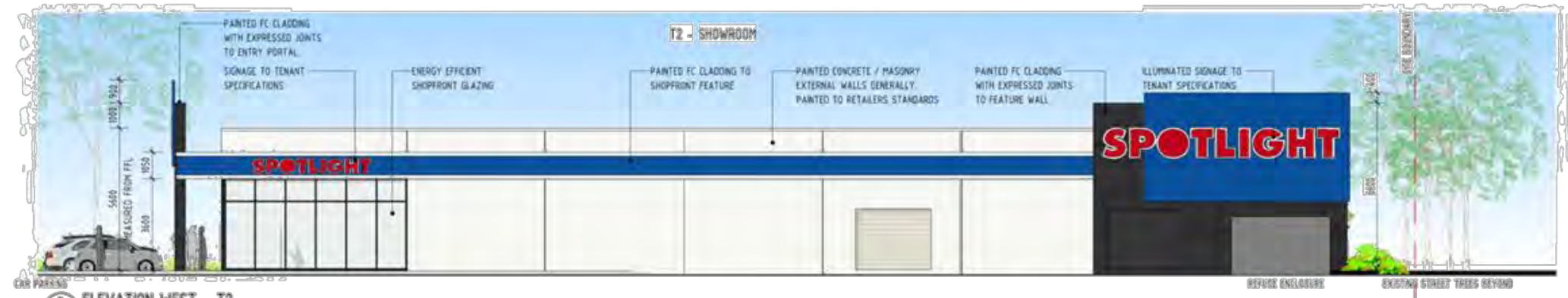
1 PERSPECTIVE 1 - T2

DA ISSUE
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 2. ALL OPENINGS MEASURED FROM FINISHED GROUND FLOOR LEVEL UNLESS NOTED OTHERWISE
 3. ALL SIGNAGE INCLUDING LOCATIONS AND HEIGHTS ARE SUBJECT TO A SEPARATE SIGNAGE APPLICATION AND APPROVAL BY LOCAL AUTHORITY LANDSCAPING IS SHOWN FOR "ARTIST IMPRESSION" PURPOSES ONLY. REFERENCE SHOULD BE MADE TO THE LANDSCAPE DRAWINGS PREPARED BY THE RELEVANT CONSULTANT.



2 ELEVATION SOUTH - T2



3 ELEVATION WEST - T2

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Rev	Date	By	Description	Appr
01	09/07/20	EN	PROPOSED SERVICE STATION & SHOWROOM	EN
A	09/07/20	TO	DA ISSUE	
B	09/07/20	EN	DA ISSUE	

Project Description
PROPOSED SERVICE STATION & SHOWROOM
 ROGERS DRIVE, KINGAROOY

Scale: As indicated
 Date: MARCH 2022
 Approved By: EN

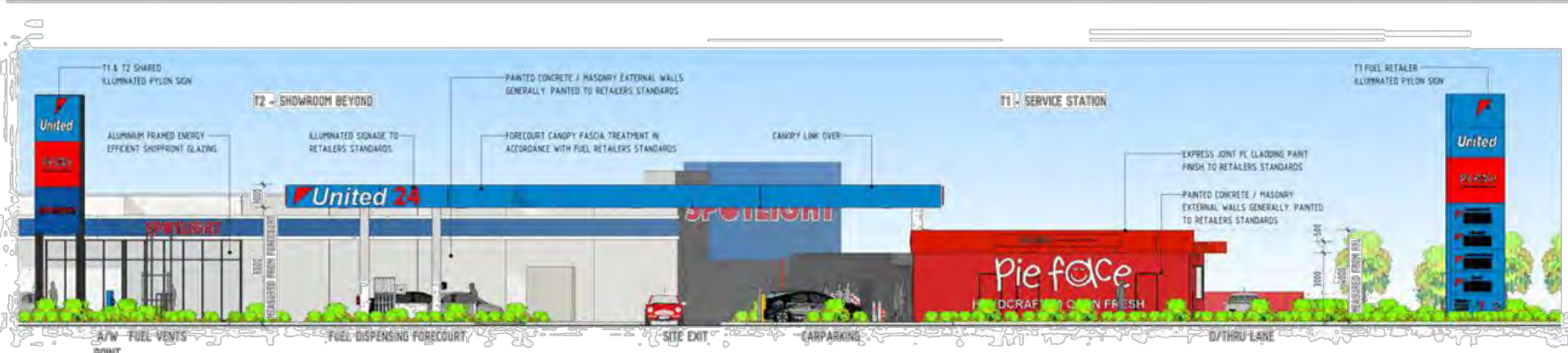
Drawing Title
BUILDING ELEVATIONS & PERSPECTIVES - T2

Job Number - Drawing Number
18119 DA06

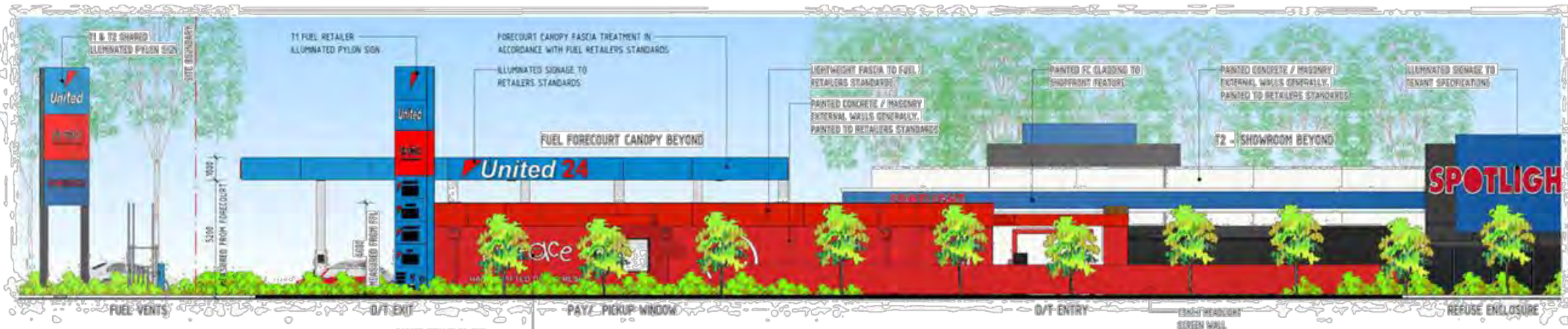
Revision
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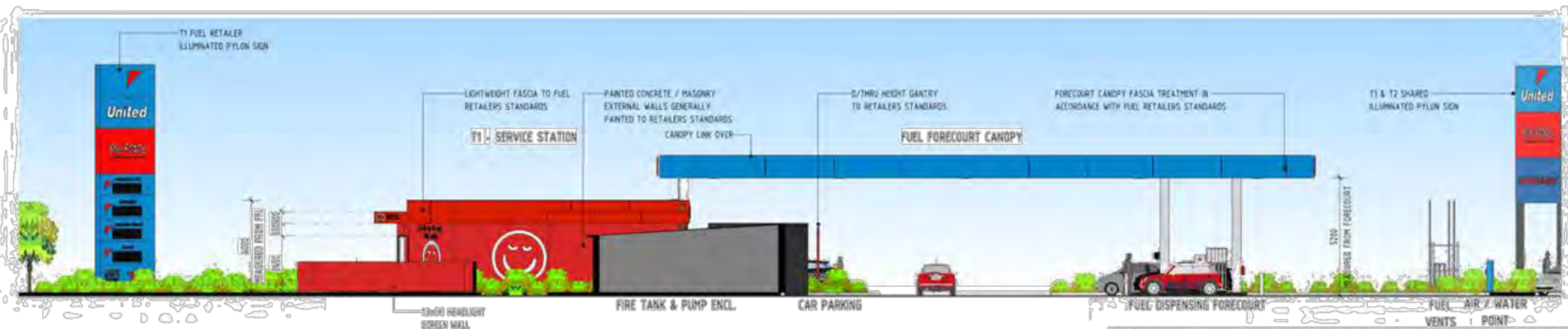
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 - 4.



1 ELEVATION NORTH-WEST - T1
 1:100



2 ELEVATION SOUTH-WEST - T1 SERVICE STATION
 1:100



3 ELEVATION SOUTH-EAST - T1
 1:100

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Rev	Date	By	Description	Appr
01	09/07/20	SN	PROPOSED SERVICE STATION & SHOWROOM	TO
A	09/07/20	TO	DA ISSUE	
B	09/07/20	SN	DA ISSUE	

Project Description
PROPOSED SERVICE STATION & SHOWROOM
 ROGERS DRIVE, KINGAROY

Scale: As indicated
 Date: MARCH 2022
 Drawn: EN/DM
 Approved By: SN

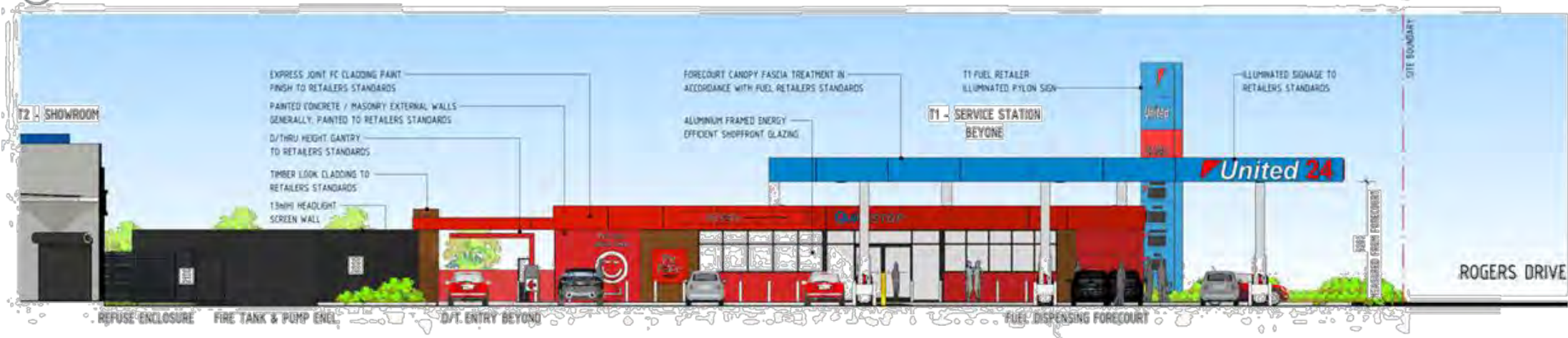
Drawing Title BUILDING ELEVATIONS & PERSPECTIVES - T1	Job Number - Drawing Number 18119 DA05	Revision B
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DA ISSUE
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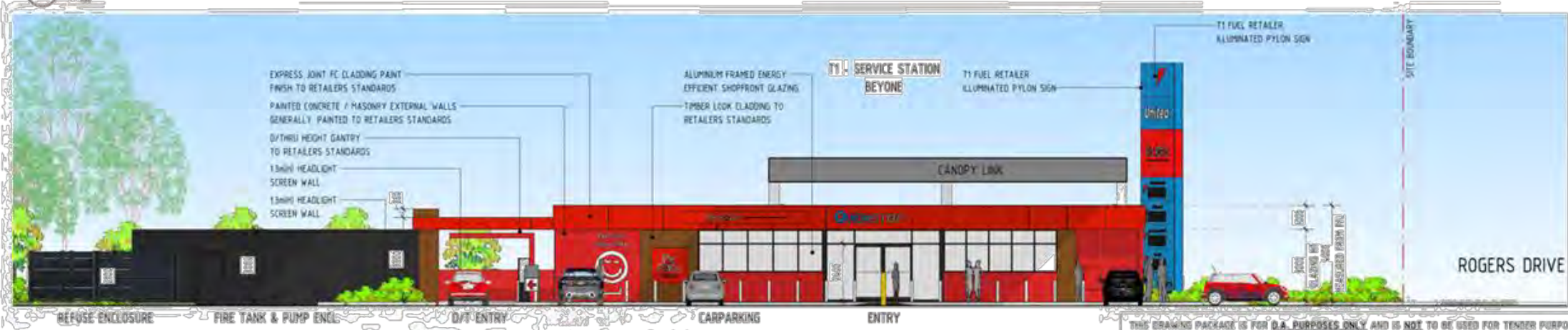
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1 PERSPECTIVE 1 - T1



2 ELEVATION NORTH-EAST - T1 CANOPY



3 ELEVATION NORTH-EAST - T1 SERVICE STATION

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Rev	Date	By	Description	Appr
01	08/02/2022	DM	PROPOSED SERVICE STATION & SHOWROOM	
02	08/02/2022	DM	TO DA ISSUE	
03	08/02/2022	DM	TO DA ISSUE	

Project Description
PROPOSED SERVICE STATION & SHOWROOM
 ROGERS DRIVE, KINGAROO

Scale: As indicated
 Date: MARCH 2022
 Drawn: ENDM
 Approved By: DM

Drawing Title
BUILDING ELEVATIONS & PERSPECTIVES - T1

Job Number - Drawing Number
18119 DA04

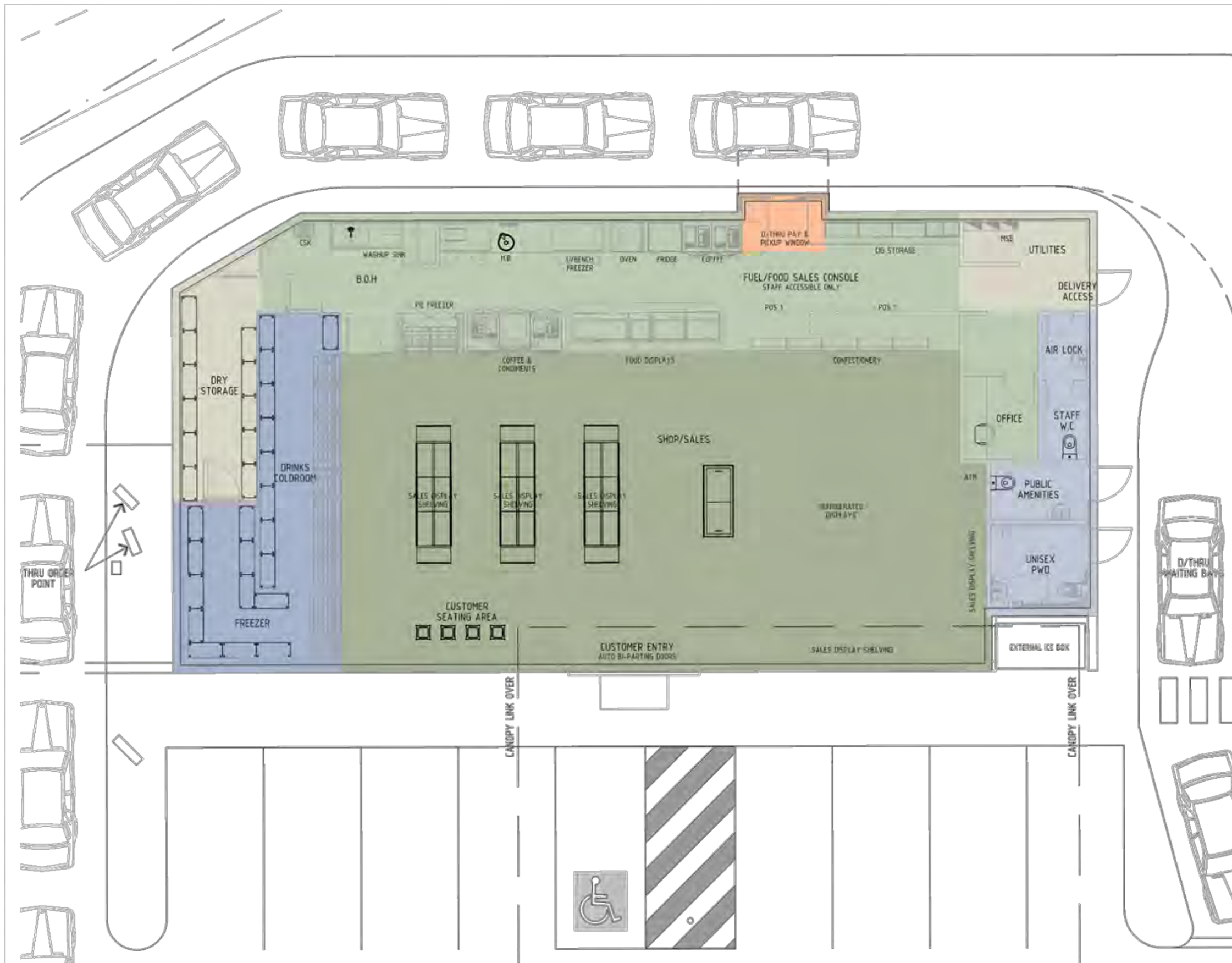
Revision
B



D.A ISSUE

BUILDING AREAS - GFA

- SHOP/SALES - 146m²
- FUEL/FOOD CONSOLE & OFFICE - 73m²
- BACK OF HOUSE/STORAGE - 24m²
- STAFF/PUBLIC AMENITIES - 18m²
- D/THRU PAY/PICKUP - 4m²
- COLDROOM/FREEZER - 32m²
- TOTAL BUILDING GFA - 297m²**





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commercial / industrial / retail
fast food restaurant design
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Revised/Issued		Date		Description	

Project Name
**PROPOSED MIXED USE DEVELOPMENT
ROGERS DRIVE, KINGAROY, QLD**

Scale
1:50 @ A1 / 1:100 @ A2

Project No.
18119-DA02

Drawn By
PROP. FLOOR PLAN

Checked By
18119-DA02

Scale
A

D.A ISSUE

RPD
 LOT 5 on SP112069
 PARISH OF BOONENNE
 COUNTY OF FITZROY
 COUNCIL: SOUTH BURNETT REGIONAL

DEVELOPMENT ASSESSMENT

TOTAL SITE AREA	- 6,460m ²
LANDSCAPED AREA	- 870m ²
BUILDING SITE COVER (INCLUDES ALL ROOFED AREAS)	- 37.1%
IMPERVIOUS AREAS	
• PRE SITE DEVELOPMENT (INCLUDES BUILDING ROOFED AREAS)	- 0m ²
• POST SITE DEVELOPMENT (INCLUDES BUILDING ROOFED AREAS)	- 5,570m ²
BUILDING AREA - GFA	
• T1 - SERVICE STATION	- 297m ²
• T2 - SHOWROOM	- 1,500m ²
TOTAL GFA	- 1,797m²
MISCELLANEOUS STRUCTURES	
• FUEL FORECOURT (UNENCLOSED BUILDING FOOTPRINT)	- 520m ²
• T1 REFUSE ENCLOSURE	- 19.5m ²
• T2 REFUSE ENCLOSURE	- 19.5m ²
• FIRE TANK & PUMPS	- 66m ²
CUSTOMER CAR PARKING	
• PARKING REQUIRED	- 80
SERVICE STATION - FIXED	= 5
T2 SHOWROOM - 1/20m ² x 75	
• PARKING PROVIDED	- 63
SERVICE STATION - FIXED	= 5
T2 SHOWROOM - 1/25.8m ² x 58	
• CAR REFUELING POSITIONS	- 6
• D/THRU QUEUING CAPACITY	- 8



Residing Engineer

commercial / industrial / retail
 fast food restaurant design
 travel centre / service stations
 project concept to completion

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 Mark all dimensions on site plan consistent with notes

Rev	Date	Description	By	Check
1	18/01/2023	ISSUED FOR PERMIT	VERVE	VERVE

Project Name: PROPOSED MIXED USE DEVELOPMENT
 ROGERS DRIVE, KINGAROY, QLD

Site No: 18119-DA01

Scale: 1:500

North Arrow: N



ANDREW GOLD LANDSCAPE ARCHITECTURE
 17/170/2016 17/170/2016 17/170/2016
 PROPOSED HOOD-USE DEVELOPMENT
 ROGERS DRIVE, KINGAROY

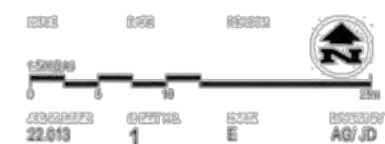
LANDSCAPE CONCEPT PLAN

- 1** LARGE FEATURE SHADE/ SCREEN TREE
 Large canopied rounded tree species to provide shade, visual and climatic amenity, and landscape softening of the property;
 Refer Proposed Planting Schedule
 (ie: Cupanopsis parvifolia)
- 2** MEDIUM SHADE/ SCREEN TREE
 Medium sized trees that assist in the landscape presentation of neighbouring property; provides visual and climatic amenity, as well as primary screening; Refer Proposed Planting Schedule
- 3** COLUMNAR / SMALL CANOPIED TREE
 Small tree planting to provide visual amenity; and softens building presentation to streetscape;
 Refer Proposed Planting Schedule
 (ie: Magnolia Teddy Bear)
- 4** SHRUBS AND GROUNDCOVERS
 Mass planting to assist in building presentation to the streetscape and to provide visual amenity;
 Refer Proposed Planting Schedule

LEGEND

--- PROPOSED GARDEN EDGE
 To future detail

E	20/20	REVISED DETAIL DETAILS
D	15/20	REVISED
C	08/20	REVISED
B	02/20	FOR SUBMISSION TO SING
A	25/19	DRAFT FOR REVIEW



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 PROPOSED HOUSING DEVELOPMENT
 ROGERS DRIVE, KINGAROY

PROPOSED PLANTING SCHEDULE



CODE	SPECIES	COMMON NAME	SIZE*	SPACING	HEIGHT(m)	WIDTH(m)
1. PROPOSED LARGE FEATURE SHADE/ SCREEN TREE						
1.1	<i>Casuarina parvifolia</i>	Small-leaved Tuckeroo	45L	as shown	15	8
2. PROPOSED MEDIUM SHADE/ SCREEN TREES						
2.1	<i>Laurea nobilis</i>	Bay Tree	45L	as shown	10	6
2.2	<i>Platanus albertiana</i>	Platanus	45L	as shown	15	6
2.3	<i>Pyrus calleryana</i>	Pyrus Redapple	45L	as shown	12	4
3. PROPOSED COLUMNAR/ SMALL CANOPIED TREE						
3.1	<i>Magnolia Yodanis</i>	Dwarf Magnolia	45L	as shown	4	3

****PLANT CONTAINER SIZE:**
 45L 45 litre container stock size Min. height at time of planting: 1.9-2.5m
 Plant list as detailed from the South Coast Regional Council's Planting Guidelines
 https://www.southcoast.nsw.gov.au/roads/roadside/778/planting-guidelines
 The spacing of plants shown on plan have been derived as a compromise between growth rate, anticipated size, and the ability to provide a good vegetative cover within a reasonable space of time.

E	ISSUED	REVISED DETAIL DETAILS
D	ISSUED	REVISED
C	ISSUED	REVISED
B	ISSUED	FOR SUBMISSION TO GOV
A	ISSUED	DRAFT FOR REVIEW
ISSUE	DATE	REASON

DESIGNER	DATE	SCALE	DRAWN BY
22.013	2	E	AG/JD

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PROPOSED HOVED-USE DEVELOPMENT
 ROGERS DRIVE, KINGAROOY
 PROPOSED PLANTING
 SCHEDULE



3.1



3.2



3.3

CODE	SPECIES	COMMON NAME	SIZE*	SPACING	HEIGHT(m)	WIDTH (m)
4 PROPOSED SHRUBS AND GROUNDCOVERS						
4.1	<i>Banksia speciosa</i> var. <i>caesia</i>	Banksia	200mm	0.9	0.5	0.5-1
4.2	<i>Dieris brevipedunculata</i>	Blue Flax Lily	140mm	0.4	0.5	0.5
4.3	<i>Hortensia vitacea</i> (Midi Ha Ha)	Poinciana	200mm	0.9	0.9	1

*PLANT CONTAINER SIZE:

200mm	200mm dia minimum pot size
140mm	140mm dia minimum pot size

Plant list as derived from the South Coast Regional Councils Planting Guidelines
<https://www.southcoast.nsw.gov.au/development/700/planting-guidelines>

The quantity of plants shown on plan have been derived as a compromise between growth rate, anticipated size, and the ability to provide a good vegetative cover within a reasonable space of time.

E	ISSUED	REVISED DETAIL DETAILS
D	ISSUED	REVISED
C	ISSUED	REVISED
B	ISSUED	FOR SUBMISSION TO SHAW
A	ISSUED	DRAFT FOR REVIEW
ISSUE	DATE	REVISION

DESIGNER	DATE	SCALE	DRAWN BY
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ATTACHMENT D – STATEMENT OF REASONS

NOTICE ABOUT NEGOTIATED DECISION – STATEMENT OF REASONS

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

SITE DETAILS	
Applicant:	Property Opportunities Holdings Pty Ltd c/- Adams & Sparkes Town Planning
Proposal:	Development Permit for Material change of use – Service Station and Showroom
Street Address:	Rogers Drive, Kingaroy
RP Description:	Lot 5 on SP112069
Assessment Type:	Impact Assessment
Number of Submissions:	3
Decision:	Approved with conditions
Decision Date:	25 January 2023

On 25 January 2023 the above development was:-

- Approved in full with conditions.

1. Assessment Benchmarks

The following are the benchmarks apply to this development:

South Burnett Regional Council Planning Scheme 2017

- Strategic Framework
- Specialised centre zone
- Services & Works Code

2. Reasons for the Decision

The reasons for this decision are:

The Material change of use development permit for a Showroom use be approved as:

- It is consistent with the Purpose and overall outcomes for the Specialised Centre zone as the Spotlight tenancy will complement the role of the Specialised Centre zone in supporting a range of regionally significant, bulky and large format uses that cater to the needs of both local and regional residents and contribute to the role of Kingaroy as a Major Regional Activity and service centre in accordance with the Settlement Pattern and town role identified in the Strategic Framework.
- The use is reasonably anticipated in this zone, consistent with the mix of existing surrounding uses, and is well accessed, being located on the D'Aguiar Hwy, for regional residents and for transport deliveries in larger freight vehicles for bulky goods items.
- The showroom use can be conditioned to comply with the anticipated large format retail layout of development in this zone to ensure the tenancy is not later divided into smaller tenancies that would undermine the explicit intended function of this specialised centre zone.

The application for Service Station and Showroom be approved for the following reasons –

Despite the conflict with the Specialised Centre zone code, the proposed development is supported based on the broader outcomes of the South Burnett Planning Scheme 2017 Strategic Framework and the following;

- The nature of existing development along the D'Aguilar Hwy and Rogers Drive, in the immediate vicinity of the site, has a mixed-use character.
- Air quality and environmental nuisance will not cause environmental nuisance or harm on surrounding land uses.
- Noise and light impacts can be condition in accordance with Australian Standards.
- The proposed development will not present traffic impacts on the surrounding road network.
- The development complies with the assessment benchmarks in the State Planning Policy 2017.
- The nature of the development is generally consistent with the amenity values and land use character fronting a major urban arterial road.

3. Compliance with Benchmarks

The development was assessed against all the assessment benchmarks listed above and consideration has been given to other grounds and the development is supported for reasons above.

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

Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* states –
- (a) Matters that may be appealed to –
- either a tribunal or the P&E Court; or
 - only a tribunal; or
 - only the P&E Court; and
- (b) The person-
- who may appeal a matter (**the appellant**); and
 - who is a respondent in an appeal of the matter; and
 - who is a co-respondent in an appeal of the matter; and
 - who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the *Planning Act 2016*)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
- for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the *P&E Court Act* for the court's power to extend the appeal period.

- Each respondent and co-respondent for an appeal may be heard in the appeal.
- If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about-
 - the adopted charge itself; or
 - for a decision about an offset or refund-
 - the establishment cost of trunk infrastructure identified in a LGIP; or
 - the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - is in the approved form; and
 - succinctly states the grounds of the appeal.
- The notice of appeal must be accompanied by the required fee.
- The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - the respondent for the appeal; and
 - each co-respondent for the appeal; and

- for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - for an appeal to the P&E Court – the chief executive; and
 - for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The **service period** is –
- if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- In this section –

decision includes-

 - conduct engaged in for the purpose of making a decision; and
 - other conduct that relates to the making of a decision; and
 - the making of a decision or failure to make a decision; and
 - a purported decision; and
 - a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter-

 - is final and conclusive; and
 - may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal. However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

17.2 RECONFIGURING A LOT – SUBDIVIDING 1 LOT INTO 2 LOTS AT 58 MALAR ROAD, BOOIE (AND DESCRIBED AS LOT 22 ON SP160448) - APPLICANT: D CULLEN C/- ONF SURVEYORS

File Number: RAL22/0023
Author: Senior Planning Officer
Authoriser: Chief Executive Officer

PRECIS

Reconfiguring a Lot – Subdividing 1 lot into 2 lots at 58 Malar Road, Booie (and described as Lot 22 on SP160448) - Applicant: D Cullen C/- ONF Surveyors.

SUMMARY

- This application has been prepared on behalf of David Cullen seeking approval for a Development Permit for Reconfiguring a Lot to subdivide the subject property into two (2) lots.
- The proposal is within the Rural Residential Zone and do not meet the 2ha minimum area specified in Table 8.4.2 of the SBRC Planning Scheme. The proposal is subject to impact assessment pursuant to Table 5.6.1 of the SBRC Planning Scheme.
- The application did not require referral to any state agencies as part of the assessment
- One (1) objection was received during the notification period
- Assessment issues relate to Access design and the town planning report lack of information for impact assessment.
- The application can be supported on its merits subject to specific conditions for access and the submitted Enginfra Consulting Report dated 26th October 2022 being an approved report, and a condition requiring a covenant area excluding all habitable structures within 20m of the eastern boundary, to support the separation of land uses between the Rural Residential land and adjoining Rural land to the East as the applicant did not propose a vegetated buffer.

OFFICER’S RECOMMENDATION

The application for Reconfiguring a Lot (1 into 2 lots) over land at 58 Malar Rd Booie, be approved subject to the following conditions, the attached plan of development and Enginfra Engineering report, the attached Adopted infrastructure Charges Notice issued under the SBRC Adopted Infrastructure Charges Resolution No.3, 2019.

**CONDITIONS
 GENERAL**

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

Drawing Title	Date/Drawing number
Proposed Subdivision	10493P/1
Enginfra Consulting Engineers and Project Managers	26 th October 2022

DEVELOPMENT PERIOD - RAL

GEN2. The currency period for this development approval for reconfiguring a lot is four (4) years after the development approval starts to have effect. The development approval

will lapse unless the survey plan for all works and stages required to be given to Council for approval is provided within this period.

GENERAL

- RAL1. Any new earthworks or structures are not to concentrate or impede the natural flow of water across property boundaries and onto any other lots.
- RAL2. 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.
- RAL3. Prior to sealing the Plan of Survey, the applicant is required to pay the Council all rates and charges or any expenses being charged over the subject land under any Act in accordance with Schedule 18 Section 69 of the *Planning Act Regulation 2017*.
- RAL4. Prior to the sealing of the Plan of Survey the applicant is to provide a certificate signed by a licensed surveyor stating that after the completion of all works associated with the reconfiguration, survey marks were reinstated where necessary and all survey marks are in their correct position in accordance with the Plan of Survey.

VALUATION FEES

- RAL5. Payment of Department of Natural Resources, Mines and Energy valuation fees that will result from the issue of split valuations prior to Council sealing the Plan of Survey. The contribution is currently assessed at \$48.00 per lot however, the actual amount payable will be based on Council's Register of Fees & Charges and the rate applicable at the time of payment.

COVENANT AREA

- RAL6. Prior to survey plan endorsement prepare a Covenant at no cost to Council or State excluding an area of all habitable buildings or structures within 20.0m of the eastern side boundary of proposed lot 26. The covenant may allow for ancillary structures or landscaping within it. The covenant area is to always be managed by the landowner and of no cost or burden to the Council or State.
The Covenant area is a habitable building exclusion area, required in the absence of any approved survey building location zone within proposed lot 26 or necessary vegetated buffer to ensure compliance with the requirements of the South Burnett Planning Scheme 2017 v1.4.

ENGINEERING WORKS

- ENG1. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to Council's endorsement of the Survey Plan unless stated otherwise.
- ENG2. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council Standards, relevant Australian Standards, and relevant design manuals.
- ENG3. Be responsible for any alteration necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

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

- ENG4. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
- ENG5. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development.

STORMWATER MANAGEMENT

- ENG6. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
- ENG7. Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

WATER SUPPLY

- ENG8. Future dwellings shall provide on-site water storage with a minimum capacity of 45kl.

ON-SITE WASTEWATER TREATMENT

- ENG9. Future Dwellings must be connected to an on-site wastewater disposal system, in accordance with AS 1547 and the Queensland Plumbing and Waste Water Code.

VEHICLE ACCESS

- ENG10. The access to proposed lot shall be located in accordance with the Sight Distance Report prepared by EngInfra Consulting, Rev 2 dated 26 October 2022.
- ENG11. On the eastern approach to proposed Lot 26, a "Concealed Driveway" advisory sign (TC1590 with TC1511 supplementary distance plate) shall be installed 150m to the west of the proposed access location. Signs shall be installed in accordance with the MUTCD.
- ENG12. Design and construct accesses having a minimum width of 4 metres in accordance with Council's Standard Drawing No. 00049.

TELECOMMUNICATION AND ELECTRICITY

- ENG13. Provide telecommunications to all lots within the development.
- ENG14. Prior to Council sealing the Survey Plan the applicant is to provide each lot with an electricity supply. The standards of service nominated by the electricity supply authority with reticulated electricity to be made available at the property boundary.

SERVICES - EXISTING CONNECTIONS

- ENG15. Ensure that all services provided to the existing house on proposed Lot 1 are wholly located within the lot(s) it serves.

EROSION AND SEDIMENT CONTROL - GENERAL

- ENG16. 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.

ADVICE

- ADV1. Section 85(1)(b) of the *Planning Act 2016* provides that, if this approval is not acted upon within a period of four (4) years, the approval will lapse.

ENVIRONMENT

ADV2. The subject site is partially mapped by Regulated Vegetation Category R under the State maps. It is the landowner's responsibility to ensure any disturbance or clearing within the area of mapping is exempt or accepted clearing in accordance with all relevant State vegetation management provisions.

HERITAGE

ADV3. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding. A search can be arranged by visiting <https://www.datsip.qld.gov.au> and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

APPEAL RIGHTS

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

INFRASTRUCTURE CHARGES

ADV5. Infrastructure charges are levied by way of an infrastructure charges notice pursuant to section 119 of the *Planning Act 2016*.

DEVELOPER INCENTIVE

ADV6. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 31 December 2023. Eligible development under this scheme is required to be completed by 31 December 2023.

For further information or application form please refer to the rules and procedures available on Council's website.

FINANCIAL AND RESOURCE IMPLICATIONS

No implication can be identified.

LINK TO CORPORATE/OPERATIONAL PLAN

Growing our Region's Economy and Prosperity

- GR8 Support and advocate for appropriate growth and development with responsive planning schemes, process, customer service and other initiatives.

COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)

Refer to CONSULTATION in this report.

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

- The applicant may appeal the Decision or Conditions of the development.
- Any properly made submitter may Appeal the Council's decision under the *Planning Act 2016*.

POLICY/LOCAL LAW/DELEGATION IMPLICATIONS

No implication can be identified.

ASSET MANAGEMENT IMPLICATIONS

No implication can be identified.

PLANNING REPORT

1 APPLICATION DETAILS

Site address	58 Malar Road, Booie		
Real property description	Lot 22 on SP160448		
Easements or encumbrances on title	Yes – existing easement A (for water and drainage services) is registered over the subject site and burdens land on lot 21 on SP160448. There are no assessed effects or consequences for the easement because of this application.		
Site Area (m2)	2.424ha		
Current Site Use	A single dwelling house and ancillary outbuildings		
Environmental Management Register or Contaminated Land Register	NIL		
Applicant name	D Cullen C/- ONF Surveyors		
Relevant History File / Record Number (if applicable)	NIL		
Zone	Rural Residential		
Applicable Overlays	OM8 Agricultural Land Overlay – Class A Agricultural Land		
Proposed use as defined	Reconfiguring a Lot 1 Lot into 2 Lots		
	Reconfiguring a Lot (RaL)		
	• Number of existing lots	1	
	• Easements or leases proposed	NIL	
	• Number of proposed lots	2	
	• Lot areas (sizes & frontages)	Lot 25: 1.225ha Lot 26: 1.12ha excluding Access Strip	
	• Access	Proposed Lot 26 is a rear lot with proposed new access from Malar Rd.	
	• Stages	1	
Application type	Aspects of Development	Type of Approval Requested	
		Preliminary Approval	Development Permit
	Material Change of Use (MCU)		
	Reconfiguration of a Lot (ROL)		X
	Building Work (BW)		
Operational Work (OW)			



Level of Assessment	Impact Assessment	
Pre-lodgement / Consultation history / Development History	- NIL	
Key planning issues	<ul style="list-style-type: none"> - Access location on Malar Rd - No proposed buffer between residential land use and adjoining rural land activities to the east. 	
Referral agencies	Agency	Concurrence/ Advice
	N/A	N/A
Public notification	Yes- 15 business days and 1 submission was received by Council	
Planning Regulation 2017 requirements	There are no specific planning regulation matters applicable to this development proposal or the subject land.	
State Planning Policy 2017 requirements	Biodiversity – mapped regulated vegetation applies to the subject site applies	
Wide Bay Burnett Regional Plan requirements	Rural Living Area applies	


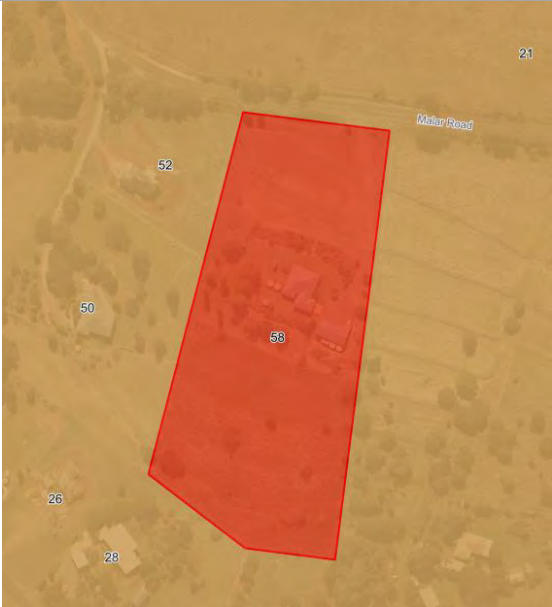
2 THE SITE

This section of the report provides a description of the site, details about the existing use and notable characteristics of the site, the standard of servicing, and the form of development in the immediate locality.

2.1 Site description & existing use

Table 1 – Maps & Descriptions (Source: SBRC Planning Scheme and Intramaps)

<p>Site (Aerial)</p>	  <p>The subject site is located to the west of Kingaroy along Malar Road.</p> <p>Surrounding uses are:</p> <ul style="list-style-type: none"> • North: Rural • East: Rural • South: Rural Residential • West: Rural Residential
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<p>Zoning (Map)</p>	 <p>The site is in the Rural Residential Zone not within the RR1 (400m2 lot precinct)</p>
<p>Overlays (Map)</p>	 <p>Agricultural Overlay Map –</p> <p>The subject site is mapped on the Agricultural Overlay Map of the SBRC Planning Scheme as including Class A agricultural land. However, the site is not mapped as Important Agricultural Areas or Agricultural land classification - class A and B on the SPP Interactive Mapping System.</p>
<p>Services (Map)</p>	<p>On site effluent disposal infrastructure for the existing dwelling is to be retained within Proposed Lot 25 and Proposed Lot 26 has sufficient area for servicing a future dwelling.</p> <p>On-site water storage can be provided in appropriately size rainwater tank for domestic use and firefighting purposes.</p> <p>Electricity is connected to the existing dwelling on the site.</p> <p>There is sufficient area on site for the disposal of stormwater.</p> <p>The subject site fronts Malar Road, which is bitumen, sealed.</p>

3 PROPOSAL DETAILS

The proposal plans are set out in **Attachment A** to this planning report and the development proposal is described below.

3.1 Detailed description of the development

Lot design	Proposed Lot 25	Front Lot	1.22Ha
	Proposed Lot 26	Rear lot	1.12Ha excluding the access handle
Access	Proposed lot 26 (rear lot) will gain access via a designed access handle in freehold title associated (not proposed to be an access easement). The access is located on the western side of the subject site with a new 10m wide access to Malar Rd. Existing access to proposed lot 25 will be maintained.		
Uses	Both proposed lots will be used for residential purposes. Lot 25 maintains the existing house and shed with lot 26 being created as a new developable lot.		



Proposal Plan prepared by ONF Surveys

4 ASSESSMENT OF ASSESSMENT BENCHMARKS

4.1 Framework for 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.

4.2 Impact assessment

The following sections of the *Planning Act 2016* are relevant to this application:

45(5) *An impact assessment is an assessment that –*

(a) *must be carried out –*

(i) *against the assessment benchmarks in a categorising instrument for the development; and*

(ii) *having regard to any matters prescribed by regulation for this subparagraph; and*

(b) *may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.*

In regard to the prescribed regulation, being the *Planning Regulation 2017*, the following sections apply in the assessment of this application:

Section 30 – Assessment Benchmarks generally

(1) *For section 45(5)(i) of the Act, the impact assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.*

(2) *Also, if the prescribed assessment manager is the local government, the impact assessment must be carried out against the following assessment benchmarks—*

(a) *the assessment benchmarks stated in—*

(i) *the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*

(ii) *the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*

(iii) *a temporary State planning policy applying to the premises;*

(b) *if the development is not in a local government area-any local planning instrument for a local government area that may be materially affected by the development;*

(c) *if the local government is an infrastructure provider—the local government's LGIP.*

(3) *However, an assessment manager may, in assessing development requiring impact assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.*

4.3 Planning Regulation 2017

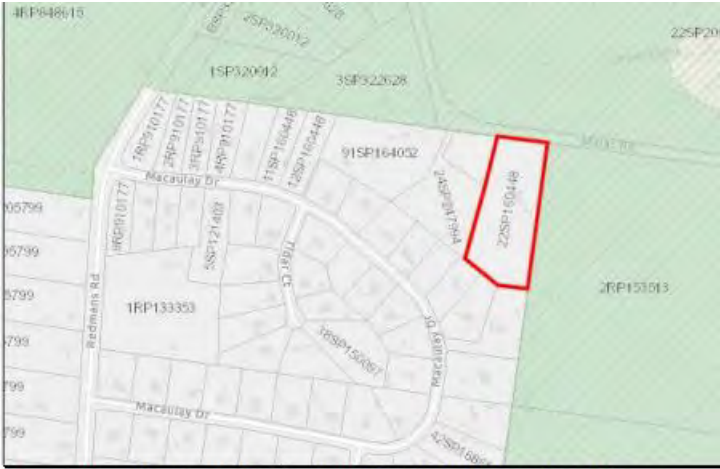
The Planning Regulation 2017 forms the mechanism by which the provisions of the Act are administered. The Regulation can regulate and prohibit development and determines the assessment manager and the matters that trigger State interests.

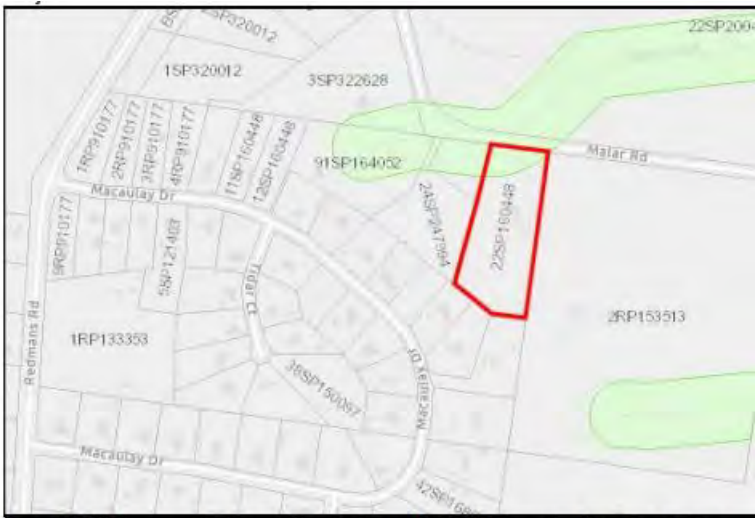
<p>Planning Regulation 2017 Assessment Benchmarks</p>	<ul style="list-style-type: none"> • Schedule 12A Walkable Neighbourhoods – not applicable for this RaL as it does not proposed a new public road • There are no other notable assessment benchmarks in the Regulation.
<p>Adopted Economic Support Instrument</p>	<p>under section 68E of the Planning Regulation 2017 that on 24 February 2021, South Burnett Regional Council adopted an economic support instrument. The instrument is in effect until 31st December 2023</p> <p>Economic support provisions</p> <p>4.1. The instrument applies the following provisions in accordance with section 68D(1) of the <i>Planning Regulation 2017</i>:</p> <p>4.1.1. Part 8B, Division 3 – Development that requires code assessment;</p> <p>4.1.2. Schedule 6, Part 2, Section 7A – Particular material change of use involving an existing building, and</p> <p>4.1.3. Schedule 6, Part 2, Section 7B – Material change of use for home-based business in particular zones.</p>

4.4 The State Planning Policy (July 2017)

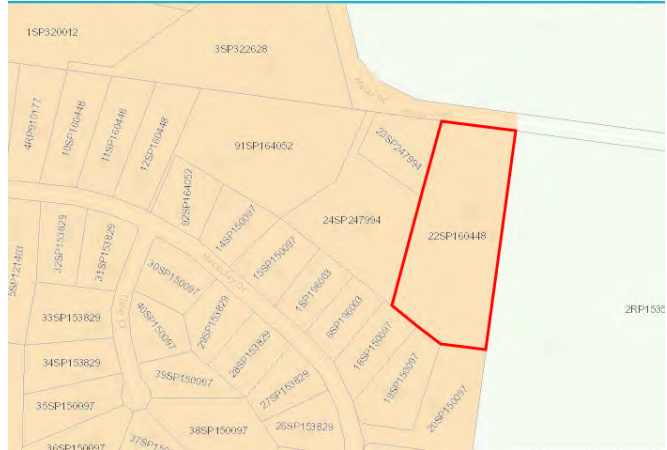
The State Planning Policy (July 2017) (SPP) commenced on the 3 July 2017 and is effective at the time of writing this report. The Planning Regulation 2017 (PR 2017) states the assessment must be carried out against the assessment benchmarks stated in Part E of the State Planning Policy to the extent Part E is not appropriately integrated into the planning scheme.

In accordance with section (8)(4)(a) of the Act, the State Planning Policy applies to the extent of any inconsistency with the Planning Scheme.

State Planning Policy Part E	
liveable communities and housing	No applicable assessment benchmarks
<p>economic growth</p> <ul style="list-style-type: none"> • Agriculture. • Development and construction. • Mining and extractive resources. • Tourism. 	<p>No applicable assessment benchmarks</p>  <p>Figure 2: Agricultural land classification, SPP Interactive mapping system</p> <p>A check of the agricultural land classification on the State Planning Policy map shows the site outside to GQAL.</p>
<p>Planning for the environment and heritage.</p> <ul style="list-style-type: none"> • Biodiversity. 	<p>A small area over the northern part of the subject site is mapped as containing MSES - Regulated vegetation (category R) along the Malar Creek on the land to the north of the subject site.</p>

<ul style="list-style-type: none"> • Coastal environment. • Cultural heritage. • Water quality 	<p>The applicant has stated in their report that the regulated vegetation intersecting with a watercourse does not require removal or disturbance to facilitate the proposed subdivision, new access or servicing the proposed development.</p>  <p>Figure 1: MSES - regulated vegetation (category R), SPP Interactive Mapping System</p>
<p>safety and resilience to hazards</p> <ul style="list-style-type: none"> • Emissions and hazardous activities. • Natural hazards, risk, and resilience. 	<p>The site is not mapped by natural risks or hazards and there are no assessable criteria.</p>
<p>infrastructure</p> <ul style="list-style-type: none"> • Energy and water supply. • Infrastructure integration. • Transport infrastructure. • Strategic airports and aviation facilities. • Strategic ports. 	<p>Complies.</p> <p>All appropriate residential services infrastructure and connections can be made and are conditioned as part of the approval.</p>

4.5 Wide Bay Burnett Regional Plan

<p>WBB Regional Plan Designation</p>	<p>Wide Bay Burnett Regional Plan 2011 – Rural Living Area</p> 
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<p><i>Rural residential development is large lot residential subdivision in a rural, semirural or conservation setting. Allotments usually have sealed roads and power supply, but a limited range of other services.</i></p> <p>Section 7.3 of the WBBRP 2011 Applies to this development application and a response to the applicable assessment benchmarks is provided in the table below.</p>	
<p>Principle 7.3.1 Rural residential development is planned and delivered, ensuring efficient delivery of services and infrastructure, preventing further fragmentation of agricultural land, and avoiding loss of areas with biodiversity and landscape values.</p>	<p>The subject site is well serviced for the zone and does not fragment or result in the loss of biodiversity of landscape values identified on state mapping.</p> <p>The site is part of a precinct of developed rural residential lots on the edge of Kingaroy.</p>
<p>Policies</p>	
<p>7.3.2 Rural residential development occurs within the Rural Living Area, rural residential zones identified in local government planning schemes, or within the Urban Footprint, where land is determined to be unsuitable for urban uses.</p>	<p>Noted.</p>
<p>7.3.3 Rural residential land-use is located and developed ensuring:</p> <ul style="list-style-type: none"> • accessibility to facilities and services through proximity to existing townships • efficient use of land and infrastructure • fragmentation or loss of good quality agricultural land does not occur, or where it does, it does not lead to its isolation or diminished productivity over time • impacts on environment, natural resource and landscape values are minimised • conflicts with adjoining land uses are mitigated • areas at risk from natural hazards are avoided. 	<p>The site is well located in terms of accessibility to the facilities and services of the existing Boovie township but also very near the major centre of Kingaroy. The site is currently serviced with urban infrastructure anticipated in this locality and the site is relatively clear of any natural features, and natural hazards. The proposed outcome being peri-urban living will not conflict with the surrounding developed allotments within the same Rural living area in the rural residential zone.</p>
<p>7.3.4 Rural residential development does not compromise future urban growth by developing on land suitable for urban development.</p>	<p>The site is on the edge of the rural zone and RLRPA and is not an identified location for urban development in Council's planning scheme.</p>
<p>7.3.5 Rural residential development is provided with appropriate infrastructure, consistent with, and supportive of, a rural locality.</p>	<p>The infrastructure connections that can be provided to the subject proposal are consistent with the surrounding development pattern and suitable for the living environment in the semi-rural locality on the edge of the RLRPA and rural zone.</p>
<p>The development is assessed to be located specifically on a site that has suitable accessibility and serviceability standards for rural residential living and is supported under the framework and policies of the WBB Regional Plan.</p>	

	The Wide Bay Burnett Regional Plan 2011, currently being reviewed, identifies the township of Kingaroy as one of the key inland towns for the Wide Bay Burnett region, and together with Bundaberg, Gympie, Hervey Bay and Maryborough, is intended to provide a range of higher order services and functions for the urban communities and to support the region’s rural activities. More particularly, the Regional Plan identifies Kingaroy as a Major Regional Activity Centre within the South Burnett Regional Council area.
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4.6 South Burnett Planning Scheme v1.4 Assessment Benchmarks

Strategic Framework

4.1 Strategic Framework – Assessment

Based on its existing location and context within surrounding rural residential development on the edge of Kingaroy in Booie township, the rural residential lot subdivision is assessed to be generally consistent with the anticipated and overall outcomes of the Strategic Framework of the planning Scheme. There are no environmental constraints, hazards or agricultural priorities that present conflicts for this proposal on this site.

Rural Residential Zone

The **purpose** of the rural residential zone code is to provide for residential uses and activities on large lots, including lots for which the local government has not provided infrastructure and services.

The following **overall outcomes** sought for the zone code are considered relevant to the proposal:

- (a) Development is comprised predominantly of dwelling houses on larger allotments in a clustered settlement pattern that protects residential amenity and the semi-rural landscape associated with the locality.
- (c) Development preserves environmental and topographical features by minimising alteration or disturbance in the design, siting and construction of buildings, roadways and other engineering works.
- . (d) Natural features such as creeks, gullies, waterways, wetlands and bushland are retained, enhanced and buffered from the impacts of development. Rural residential development avoids treed ridgelines or ensures that buildings remain below the vegetation canopy on steeper more visible lands.
- (h) Residences are provided with an adequate supply of potable water and sustainable means of wastewater treatment and disposal. Access to infrastructure and essential services are of a standard normally expected in isolated communities.
- (i) Conflict with adjoining land in the Rural zone is avoided by the provision of buffers on the site of new development for rural residential purposes.**

Response:

The proposal does not conflict with the overall purpose of the Rural residential zone is it provided for residential uses on a larger lot that is consistent with the existing pattern of development in the area. See below response to performance outcome PO2 with regards to compliance with OO(i).

Performance Outcome	Acceptable Outcome	Responses
PO2 Development minimises the potential for reverse amenity impacts for	AO2.1 A well-maintained vegetative buffer is provided on the residential	The applicant argues that this site and the proposed new allotments do not necessitate a buffer between this land

<p>adjoining existing non-residential activities</p>	<p>land between the residential development and adjacent existing non-residential use.</p>	<p>and the adjoining rural zoned land to the east which is used for rural activities.</p> <p>Whilst it is agreed the proposed lots are of sufficient size to locate future dwellings away from the eastern boundary there are no controls without a buffer in place to protect the future rural production activities of that adjoining land.</p> <p>Council has previously been subject to detailed scrutiny of similar development projects for new subdivision for residential purposes adjoining rural land and not protecting the interests of the community with respect to the potential for residential development to have impacts on the viability of agricultural activities including spraying associated with cropping activities.</p> <p>On this basis, council does not agree that the applicant has sufficiently addressed this performance outcome and proposes conditions of approval to ensure no buildings are sited within 20m of the eastern side boundary as a minimum and without there being a condition for a vegetative buffer.</p> <p>This is a considerable compromise for the applicant recommended by Council as part of the decision and ensure compliance with PO2 and Overall Outcome (i).</p>
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Reconfiguring a Lot Code

Purpose

The following purpose of the Reconfiguring a Lot code is considered relevant to the proposal:

- (b) Provides opportunities for rural residential living with good access to services.
- (c) Manages the potential risks from natural and man-made hazards.

Overall Outcomes

The following overall outcome are considered relevant to the proposal:

- (a) Lots are of a size and dimension suitable for their intended use and have due regard to local geographical constraints, identified hazards, fragmentation of agricultural land and community expectations of residential separation and character.
- (c) In-fill and consolidation of existing urban areas is maximised where consistent with

the intended nature of the zone.

(d) Reconfiguring a lot does not compromise the viability and productivity of identified agricultural land, extractive and coal resources, and the Swickers Bacon Factory and maintains appropriate buffers to these resources.

(e) Areas or features of environmental significance are not adversely impacted by habitat loss, fragmentation or isolation.

(h) Lots are provided with water supply, stormwater disposal, sustainable effluent and waste disposal, telecommunications and power, to standards appropriate for the zone

Performance Outcome	Acceptable Outcome	Responses
<p>PO7 Allotments are of sufficient size and dimensions to meet the requirements of the users and provide for servicing of the intended use.</p>	<p>AO7.1 Development provides that allotment area, dimension and shape are in accordance with the standards in Table 9.4.2.</p> <p>AO7.2 The minimum allotment size for any rear allotment shall be calculated exclusive of the area of the access corridor of the allotment.</p> <p>AO7.3 Irregularly shaped allotments are designed to allow a building area of 15m by 10m to be setback 6m from the site frontage.</p>	<p>As a performance outcome that does not conflict with the overall outcomes of the code or the purpose of the Rural Residential Zone applicable to this site in this particular locality comprised of a surrounding mix of similar size or smaller rural residential allotments, the proposed allotments are considered to be of a sufficient size and dimensions to accommodate rural residential living (smaller than 2ha) and not within another precinct.</p>
<p>PO8 Lots have lawful, safe and practical access</p>	<p>AO8.1 Access is provided via either: (a) Direct road frontage; (b) Access strip with a minimum width of 3.5m (for rear lots only); or (c) Access easement with a minimum width of 6m (where lots only have legal road frontage that does not provide, safe or practical access to the existing street network).</p> <p>AO8.2 Newly created lots do not have direct access to sub-arterial or higher order roads.</p>	<p>The applicants assessment at the time of lodgement failed to be supported by any appropriate technical information prepared by a suitably qualified person about the access design on Malar Rd.</p>

Services and Works Code – development is assessed to be compliant with all aspects of this code

4.7 Other Relevant Matters

The consideration of other relevant matters applies to the assessment and decision-making process for this impact assessable development application. The below summarises the matters considered by the planning assessment.

Applicant submitted reports	Town Planning Report Englnfra Consulting report
Assessment considerations of merits	<p>Impact assessment under the Planning Act 2016 is an ‘unbounded’ assessment, meaning relevant matters other than those prescribed can also be considered, and weighing and balancing ‘inside the box’ as well as with factors ‘outside the box’ can take place in reaching a decision.’</p> <p>The below outlines the planning assessment of the merits of the application presented.</p>
<p>PLANNING DISCUSSION</p> <ul style="list-style-type: none"> The application is not assessed as being one that has required the consideration of any external policy or other adopted material of relevance to such development with the exception of known development assessment issues within the region regarding development of rural residential or residential lots adjoining rural land and conflicts between the two use groups and experience of what requirements need to be imposed to ensure development impacts can be managed. <p>No other documents, policies or otherwise are referenced in the decision making and assessment process of this application.</p> <ul style="list-style-type: none"> The applicant provided no response to the policies of the Wide Bay Burnett Regional Plan applicable to the assessment of this development application. <p>Council’s assessment is carried out in this report.</p> <ul style="list-style-type: none"> The applicant did not present any justification for a lack of buffer between the proposed Rural Residential Lot subdivision and adjoining Rural Land in stark contrast with Council policy and community standards to protect viable and good quality agricultural land for the prosperity and economic diversity of the region. The applicant placed no effort or emphasis on the assessment of this matter and so Council has proposed a solution via condition to ensure compliance between future residential land uses and rural production activities on adjoining land to the east. Engineering assessment identified issues with the Englnfra Consulting report: <p>Internal assessment note</p> <p><i>The report indicates that an adequate sight distance of 130m is available from the western approach to the proposed access location, which is greater than the sight distance requirement in Council standard drawing SBRC 00049. However, the sight line passes through private property, and the availability of this sight line is contingent on the landowner maintaining the vegetation. It is not unreasonable to expect that vegetation will grow up through this sight line over time, thus reducing the sight distance available. Images from Councils Road condition footage show such vegetation restricting the sight distance, and said vegetation may have only been recently removed.</i></p> <p><i>To demonstrate compliance with sight distance requirements, two options might be available:</i></p>	

1. *The applicant could refer to Austroads Guide to Road Design Part 3: Geometric Design - Table 5.5 and consider the use of a reduced reaction time for the stopping sight distance, which in turn reduces the required sight distance. This could be supplemented with warning/advisory signage; and/or*
2. *Moving the proposed access to the east will improve the available sight distance.*



Figure 1 - View from Malar Road looking south at existing dwelling



Figure 2 - View from Malar Road looking south - south-west – new dwelling being constructed on smaller lot right of photo



Figure 3 - Council officer in approximate location of proposed access along adjoining property boundary in 100km zone



Figure 1 - view looking east from Malar Road (out of frame (right side) would be existing location of access to dwelling)



Figure 2 - existing access in 100km zone to dwelling house

Council assessed the presented engineering reports with Council assessing engineer liaising with applicant engineers to agree to a solution that is safe and compliant with appropriate standards for access. A revised engineering report was submitted and accepted by Council and is to be an attached approved document.

Refer to conditions of this development recommendation.

5 REFERRAL AGENCIES

To determine whether the development application requires referral to the State Assessment and Referral Agency (SARA) or 'another entity', an assessment of the proposal against Schedule 10 of the Regulation has been undertaken.

The application does not require referral to any referral agencies prescribed under Schedule 10 .

Agency/ Concurrence/Advice	Referral Trigger and Response Outcome
State Assessment and Referral Agency (SARA)	N/A
Other	N/A

6 CONSULTATION

6.1 Council Internal

<i>INTERNAL REFERRAL SPECIALIST</i>	<i>REFERRAL / RESPONSE</i>
Development Engineer	See planning discussion in this report and conditions
Infrastructure Charges Unit	An ICN is attached to this decision

6.2 Public Notification

The application was required to be publicly notified under the Planning Act 2016 for a period of 15 business days. The following summarises the actions undertaken, submissions received and Council’s assessment of submitter concerns if applicable.

Planning Act 2016 Action	Date
Date Notification Commenced	6 October 2022
Date Notification Completed	28 October 2022
Date notice of compliance received	31 October 2022

Submission Summary Table	
Submitter Issue	Response
<p>Objection to the access point proposal - as there is an intention to introduce an access point along the boundary line of the adjoining residence and along that boundary line are multiple power poles - are these to be relocated, if so, at who's cost?</p> <p>Based on the images included in the proposals, it appears that there would be sufficient space on the opposite side of the property for there to be a shared access point - has this option been considered & if so, why was it declined?</p>	<p>A condition will be included that all infrastructure servicing the existing house must be included within the proposed new lot containing the existing house. This may require the relocation of said infrastructure.</p> <p>There is sufficient space on the eastern boundary of the property for access, and this was suggested to the applicant as a better location, but they were adamant that they wanted access on the western boundary.</p> <p>As they have provided evidence that sight distance is available, the application is supported based on traffic engineering advice in the location shown on the plan.</p> <p>The applicant is responsible for the cost of the access and relocation of services where necessary.</p>

7 RECOMMENDATION

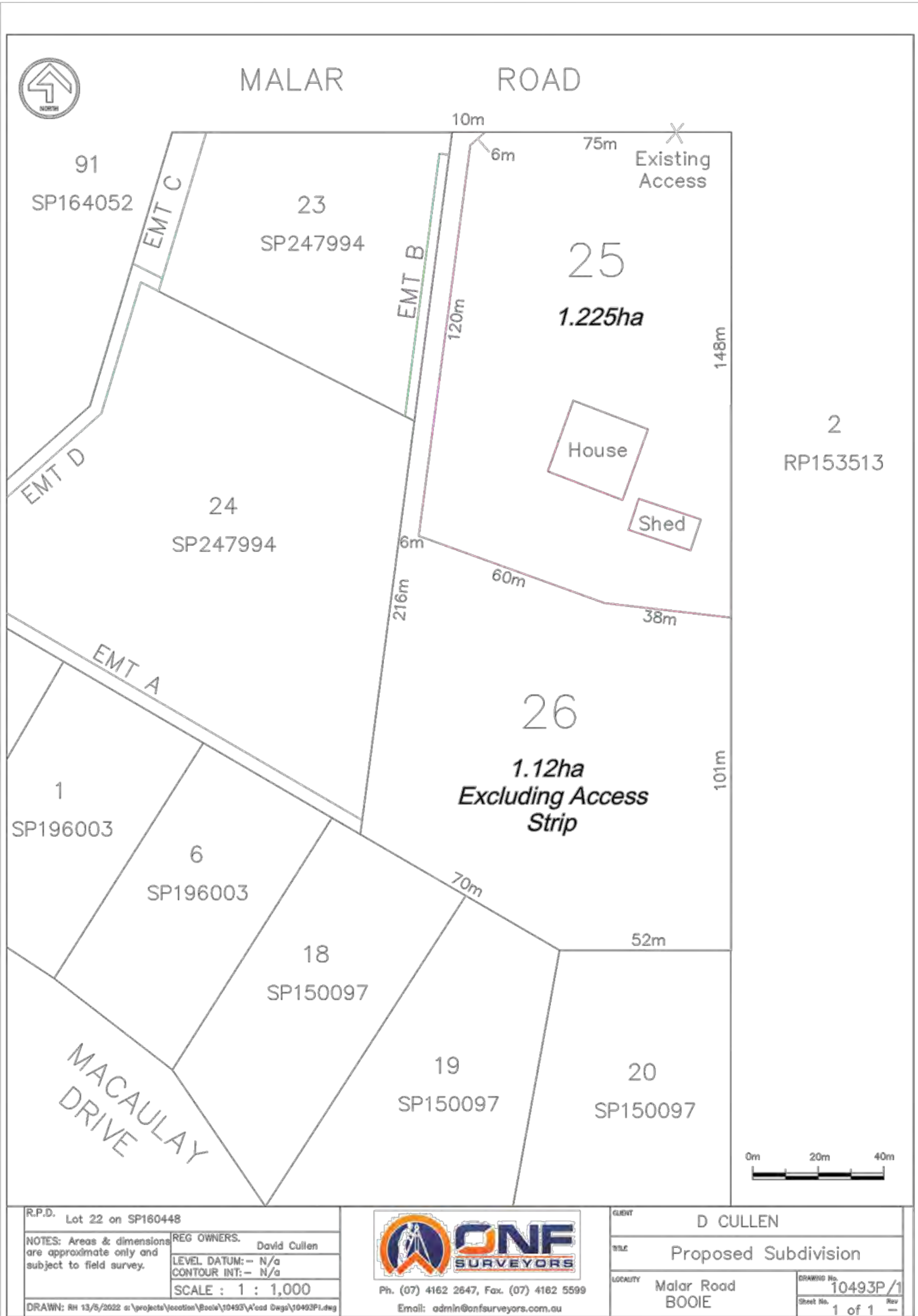
The application for Reconfiguring a Lot (1 into 2 lots) over land at 58 Malar Rd Booie, be approved subject to the conditions, the attached plan of development and Enginfra Consulting report and the attached Adopted infrastructure Charges Notice issued under the SBRC Adopted Infrastructure Charges Resolution No.3, 2019, for the reasons below –

- The proposal meets the purpose of Rural Residential Zone and Overall Outcomes and has been conditioned to comply with OO(i) of the zone code;
- The proposal meets the purpose of the Reconfiguring a Lot Code and Overall Outcomes and conditions of development are imposed to ensure compliance;
- The proposal whilst for lots less than 2Ha are not inconsistent with the settlement pattern of this Rural Residential Zone within the Rural Living area of the Wide Bay Burnett Regional Plan in this location in Booie and can be supported under the policies and strategies of the Strategic framework and Regional Plan;
- The site has good access to services and is connected with all necessary utilities expected for the subject site in this locality to warrant approval of the lots less than 2ha on its own merits.
- The development complies with all applicable State Planning Policy 2017 matters.

Statement of Reasons – see recommendation above.

ATTACHMENTS

- 1. Attachment A - Approved Plans**
- 2. Attachment B - Infrastructure Charges Notice**
- 3. Attachment C - Englnfra Consulting Engineers & Project Managers report dated 26th October 2022**
- 4. Attachment D - Public Submission**
- 5. Attachment E - Statement of Reasons**



R.P.D. Lot 22 on SP160448

NOTES: Areas & dimensions are approximate only and subject to field survey.

REG OWNERS. David Cullen

LEVEL DATUM: - N/a
CONTOUR INT: - N/a

SCALE : 1 : 1,000

DRAWN: RH 13/5/2022 at \\projects\location\Booie\10493\A\oad Dwg\10493P1.dwg

Ph. (07) 4162 2647, Fax. (07) 4162 5599
Email: admin@onfsurveyors.com.au

CLIENT D CULLEN

TITLE Proposed Subdivision

LOCALITY Malar Road BOOIE

DRAWING No. 10493P/1
Sheet No. 1 of 1

INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT: D Cullen
C/-ONF Surveyors
PO Box 896
KINGAROY QLD 4610

APPLICATION: Reconfiguration of a Lot (Development Permit) -
Subdivision (1 Lot into 2 Lots)

DATE: 20/10/2022

FILE REFERENCE: RAL22/0023

AMOUNT OF THE LEVIED CHARGE: **\$4,419.00** **Total**
(Details of how these charges were calculated are shown overleaf)

\$0.00	Water Supply Network
\$0.00	Sewerage Network
\$2,410.00	Transport Network
\$2,009.00	Parks and Land for Community Facilities Network
\$0.00	Stormwater Network

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

LAND TO WHICH CHARGE APPLIES: 22SP160448

SITE ADDRESS: 58 Malar Road
BOOIE QLD 4610

PAYABLE TO: **South Burnett Regional Council**

WHEN PAYABLE: Reconfiguring a Lot – When South Burnett Regional
(In accordance with the timing stated Council approves the Plan of Subdivision.
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**

DETAILS OF CALCULATION

Water Supply

Adopted Charges

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

Discounts*

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

Sewerage

Adopted Charges

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

Discounts*

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

Transport

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot (1 into 2)	2	allotments	\$2,410.00	CR Table 2.3	\$4,820.00

Discounts*

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

Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot (1 into 2)	2	allotments	\$2,009.00	CR Table 2.3	\$4,018.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lawful use (existing lot)	1	allotment	\$2,009.00	CR Table 2.3	\$2,009.00

Stormwater

Adopted Charges

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

Discounts*

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

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Reconfiguring a Lot (1 into 2)	\$0.00	\$0.00	\$2,410.00	\$2,009.00	\$0.00	\$4,419.00
Total	\$0.00	\$0.00	\$2,410.00	\$2,009.00	\$0.00	\$4,419.00

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

INFORMATION NOTICE

Authority and Reasons for Charge	This Infrastructure Charges Notice has been given in accordance with section 119 of the <i>Planning Act 2016</i> to support the Local government's long-term infrastructure planning and financial sustainability.
Appeals	Pursuant to section 229 and Schedule 1 of the <i>Planning Act 2016</i> a person may appeal an Infrastructure Charges Notice. Attached is an extract from the <i>Planning Act 2016</i> that details your appeal rights.
Automatic Increase Provision of charge rate (\$)	<p>An infrastructure charge levied by South Burnett Regional Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI average¹. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.</p> <p>However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Authority could have levied for the development at the time the charge is paid.</p>
GST	The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the <i>Planning Act 2016</i> are GST exempt.
Making a Payment	<p>This Infrastructure Charges Notice cannot be used to pay your infrastructure charges.</p> <p>To pay the levied charge, you must request an Itemised Breakdown showing the total levied charge payable at the time of payment. An Itemised Breakdown must be presented at the time of payment.</p> <p>An Itemised Breakdown may be requested by emailing info@southburnett.qld.gov.au</p>

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

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

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

Enquiries

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

Enginfra Consulting *Engineers and Project Managers*

David Cullen

Proposed Access
58 Malar Road, Booie, Queensland

Boundary Realignment of
Lot 22 SP160448

26 October 2022

Enginfra Consulting

Engineers and Project Managers

ENGINFRA PTY LTD

ACN 619 842 330

ABN 42 619 842 330

Russell Hood
Phone 0477 226 383
russell@enginfra.com.au

137 Moore Street
PO Box 122
Kingaroy Qld 4610

Enginfra Consulting *Engineers and Project Managers*

D Cullen – Proposed Access Malar Road, Booie, Queensland

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Prepared



Russell Hood
 B Eng Tech (Civil) Grad Cert Eng Tech (Civil)
 24/10/2022

Approved



David Hood
 B Eng (Civil) RPEQ 8059
 26/10/2022

Document Status

Project Reference	Issue	Description	Issue Date
2204	Rev 0	Internal review	15/9/2022
2204	Rev 1	Final Issue to Client	22/9/2022
2204	Rev 2	Review and updated recommendations	26/10/2022

This document remains the property of Enginfra Consulting and may only be used for the purposes as specified in the proposal issued and accepted in commissioning this report.

Enginfra Consulting *Engineers and Project Managers*

D Cullen – Proposed Access Malar Road, Boonie, Queensland

1 INTRODUCTION

An application to subdivide Lot 22 SP160448 at 58 Malar Road, Boonie has been lodged with South Burnett Regional Council, to create a hatchet style lot behind the existing dwelling on this property. An assessment of a proposed access location on Malar Road to service proposed Lot 26 as per ONF Surveyors drawing 10493P/1 has been undertaken to determine a safe location of the access point in accordance with South Burnett Regional Council standard drawing 00049 Rev B.

The assessment will address the sight distance and operational conditions of Malar Road on the approaches to the proposed rural residential property access as they relate to location and safety for access to proposed lot 26.

2 BACKGROUND

There is an existing access into 58 Malar Road near the eastern side of the lot which will remain unchanged for access to the existing dwelling and shed on proposed lot 25. The proposed access will be on the western side of the property to align with the access strip at the location indicated in Figure 1.



Figure 1 – Site and proposed access location (Source: Queensland Globe)

3 ROAD INFORMATION

Malar Road is a two lane bitumen sealed road with unsealed shoulders both sides in a rural 80km/h posted speed limit zone in the vicinity of the proposed access. Malar Road is a primary link between Kingaroy from Redmans Road, east to rural residential and rural areas in the locality of Boonie.