

0.0 MINOR CHANGE TO AN EXISTING DEVELOPMENT APPROVAL (MCU21/0006) AT 95 MARKWELL ST KINGAROY (AND DESCRIBED AS LOT 4 ON RP178596 - APPLICANT EUREKA GROUP HOLDINGS LIMITED C/- PLAN A TOWN PLANNING & DEVELOPMENT CONSULTANTS

File Number: MCU23/0007
Author: Planning Consultant
Authoriser: Chief Executive Officer

	SIGNATURE	DATE
Coordinator development services MANAGER	[Redacted]	21/09/23
GM	[Redacted]	12/9/23
CEO	[Redacted]	12.9.2023

PRECIS

Change request for a 'Minor Change' pursuant to s81 of the Planning Act 2016 for an existing 'Retirement Facility' at 95 Markwell St Kingaroy Lot 4 on RP178596: Eureka Group Holdings Limited C/- Plan A Town Planning & Development Consultants.

SUMMARY

- Change request made pursuant to s81 of the *Planning Act 2016* – changes to an existing approval for Retirement Facility (permit issued under file MCU21/0006)
- This change Request seeks approval for the following:
 - Increase number of dwellings from 110 to 124.
 - Changed orientation for some units (increased western orientation).
 - Amendments to the approved landscape plan.
 - Removal of Managers residence in the Community Centre.
 - Amendments to floor layout of the Community Centre.
 - Minor changes to buildings materials and presentation.
 - Changes to onsite parking rate.
- The request package was assessed by Councils 'Development Assessment Team';
- On 12 May 2023 a Further Advice letter was sent to the applicant seeking clarification on the following:
 - Clarify communal and private open space areas (in sqm);
 - Clarify how proposed landscape areas will work;
 - Provide additional information on measures to minimise heat effects associated with increased number of west facing units.
 - Clarify acoustic boundary fencing.
 - Confirm location of 9 carparking spaces referred to (not clear on drawings).
 - Provide additional information regarding the management of stormwater.
- Facilitated a teams meeting with the applicant (22 May 2023) to discuss SBRC further advice letter and what is sought in terms of amendments for compliance with the SBRC Planning Scheme.
- Applicant provided a response to Council's Further Advice letter on 22 June 2023 (which are further discussed below).
- Circa late June 2023 the applicant requested the change be put on hold to further refine parking numbers & arrangements, on 31 July 2023 the applicant provided final parking layout and stormwater drawings (amended from those sent 22 June 2023).
- On 9 August 2023 applicant was asked to provide technical advice (tech note) regarding operations/capacity of the proposed onsite stormwater system, applicant provided required advice 18 August 2023.
- All responses to Council's requests for information were assessed against the relevant provisions of the South Burnett Regional Council Planning Scheme, and the *Planning Act 2016*.
- The change request is recommended for approval based on the information provided.
- Refer to Attachment A for Statement of Reasons.
- Refer to Attachment B for infrastructure charges notice.

OFFICER'S RECOMMENDATION

The change request pursuant to s81 of the *Planning Act 2016* should be approved subject to the specified drawings and conditions as outlined below. Amended conditions shown in bold and deleted conditions shown in strikethrough.

GENERAL

GEN1. The subject site is to be developed generally in accordance with the plans and information submitted with the application:

Plan	Reference	Date
Site Plan	DA-01	Issue A 28/05/21
Typical Unit Plans	DA-02	Issue A 28/05/21
Community Centre	DA-03	Issue A 28/05/21
Typical Unit Elevations Type A	DA-04	Issue A 28/05/21
Typical Unit Elevations Type B	DA-05	Issue A 28/05/21
Typical Unit Elevations Type C	DA-06	Issue A 28/05/21
Landscape Concept Plan – Schematic Design	2103700 SD02	Issue A 28/05/21
Landscape Concept Plan – Schematic Design	2103700 SD02	Issue A 28/05/21
Landscape Concept Plan – Schematic Design Indicative Plant Palette	2103700 SD02	Issue A 28/05/21
SARA Decision Notice	SARA reference 2106-22883 SRA	Dated 23 rd June 2021

Plan	Reference	Date
Site Master Plan	Sheet 00-001	Issue L 28/07/2023
Proposed Community Centre Cover Sheet	Sheet 00-001	Issue A 21/06/2023
Proposed Community Centre Key Plan	Sheet 00-002	Issue A 21/06/2023
Proposed Community Centre Floor Plan	Sheet 01- 101	Issue A 21/06/2023
Proposed Community Centre Roof Plan	Sheet 01- 105	Issue A 21/06/2023
Proposed Community Elevations	Sheet 02-201	Issue A 21/06/2023
Proposed Villa OP1 – Cover Sheet	Sheet 00-001	Issue A 21/06/2023
Proposed Villa OP1 – Key Plan	Sheet 00-002	Issue A 21/06/2023
Proposed Villa OP1 – Floor Plan	Sheet 01-101	Issue A 21/06/2023
Proposed Villa OP1 – Roof Plan	Sheet 01-105	Issue A 21/06/2023
Proposed Villa OP1 – Elevations	Sheet 02-201	Issue A 21/06/2023
Proposed Villa OP2 – Cover Sheet	Sheet 00-001	Issue A 21/06/2023
Proposed Villa OP2 – Key Plan	Sheet 00-002	Issue A 21/06/2023
Proposed Villa OP2 – Floor Plan	Sheet 01-101	Issue A 21/06/2023
Proposed Villa OP2 – Roof Plan	Sheet 01-105	Issue A 21/06/2023
Proposed Villa OP2 – Elevations	Sheet 02-201	Issue A 21/06/2023
Landscape Concept Plan	1111-SD001 E	Issue E 31/07/2023
Landscape Character	1111-SD002 A	Issue A 15/06/2023
Landscape Elevations & Sections	1111-SD003 A	Issue A 15/06/2023

Unless otherwise amended by the following conditions.

- GEN2. All works including the repair or relocation of services (Telstra lighting) is to be completed at no cost to council.
- GEN3. The applicant is required to maintain the site in a clean and orderly state at all times clearing declared weeds and feral animals.

COMPLIANCE ASSESSMENT

GEN4. All conditions of this approval are to be satisfied prior to Council issuing a compliance certificate for the commencement of the use and it's and it is the applicant's responsibility to notify Council to inspect compliance with conditions.

Compliance certificate fee will be charged with payment required prior to council approval of the associated documentation requiring compliance assessment.

ELECTRICITY/TELECOMMUNICATIONS

MCU1. The dwelling units ought to be supplied with reticulated electricity and telecommunications services.

LANDSCAPING

MCU2. Landscape is sought to contribute to the integration of the new development and to provide a high level of amenity in accordance with the approved landscape plans.

Construct landscaping in accordance with the with the prepared landscape concept plan the relevant council standards best trade practise and the following conditions.

- If the extent or configuration of landscaped areas has been marginally amended from the plan, then adjust plant numbers to ensure full coverage.
- Provide a Tia 3 tier landscape structure to all landscape areas IE trees shrubs and ground covers.
- Maximise opportunities for stormwater infiltration into landscaped areas.
- Maintain the landscape works generally in accordance with the detailed plans and to industry standards.

LIGHTING

MCU3. Design of all external lighting in accordance with AS 4282-1997 *'Control of obtrusive effects of outdoor lighting'*.

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

MECHANICAL PLANT

MCU4. Mechanical plant [air conditioning, refrigeration equipment and pumps] must comply with the *Environmental Protection act 1994*.

Air conditioning and refrigeration equipment must achieve no more than 3dB(A) above the background level from 10pm to 7am and no more than 5dB(A) above the background level from 7am to 10pm when measured at an affected building.

Pumps [including heat pumps] must not be audible from 10pm to 7am, no more than 5dB(A) above background level from 7am to 7pm and no more than 3dB(A) above the background level from 7pm to 10pm when measured at an affected building.

REFUSE STORAGE COLLECTION

MCU5. Provision must be made for the storage and removal of refuse in accordance with the waste reduction and recycling regulation 2011.

MCU6. Any areas that are dedicated for the collection and or storage of solid waste on the premises are to be:

- a) level;
- b) provided with impervious hardstand and drained;
- c) remove fully enclosed buy a screened bin enclosure;
- d) no bins shall be stored along the common boundary fences with external neighbours, along the eastern or western boundaries.

- MCU7.** Refuse bin areas to be provided for the washing out of refuse bins and in connection with this:
- a) all tap outlets must be fitted with back flow prevention devices.
 - b) the floor areas are to be drained to sewer; and
 - c) areas are to be covered and drainage designed such that water not associated with the washing out process [e.g., Rainfall] does not enter the sewer.

FENCING

- MCU8.** Erect a screen fence along the boundaries of the site as shown on the approved plans. Where not otherwise designated as an acoustic fence coma and unless an alternative design for the fence is agreed to with the owner of adjoining land, The screen fence is not to exceed 1.8 metres in height and be constructed from timber palings. Front fencing to road frontages [Markwell St and Logan Road] are to be in accordance with the approved landscape concept plans and include in dates for landscaping in front of the fence.

CLOTHES DRYING

- MCU9.** Each dwelling unit is to be provided with external clothes drawing facilities within the nominated open private space areas.

LETTERBOXES AND UNIT IDENTIFICATION

- MCU10.** Letterboxes shall be provided for each habitable unit, including the body corporate if appropriate. Each box shall be distinguished buy a number corresponding to the unit number.
- MCU11.** Each dwelling unit is to be readily identified by number.

SATELLITE DISHES

- MCU12.** A maximum of one satellite dish is permitted per dwelling unit with a maximum diameter of 1.2 metres with a maximum height off 10.5 metres above ground level.

PROPERTY ACCESS, CAR PARKING & MANOEUVRABILITY

- ENG1.** Property access shall be provided in accordance with the South Burnett regional council planning scheme; and IPWEAQ standard drawing No. SEQ R-051, Type A, with dimension W1 being the greater of:
- a) 6.0m; and
 - b) The minimum value necessary to meet the swept path requirements of the rubbish collection vehicle [RCV] without crossing be sent alone of Markwell St, or Logan St upon entry or exit.
- ENG1A.** Property accesses shall be provided in accordance with the South Burnett regional council planning scheme, and IPWEAQ standard drawing No. SEQ R-051, Type B, with dimensions W1 being a minimum of 7 metres for Markwell St and 8m for Logan St, with the splays designed to accommodate the swept path of the rubbish collection vehicle (RCV) without crossing the centre line of Markwell St, or Logan St for left turn movements in two or out of the site.
- ENG2.** Fencing, landscaping and letter boxes must not impede sightlines for vehicles entering or leaving the site or driving along Markwell St or Logan St.
- ENG4.** Road works and entrances shall be constructed so as to:
- a) remove all disuse vehicle entrances and reinstate the verge consistent with the adjacent verge profile;
 - b) permit HRCV and B99 vehicles respectively enter and leave the site in a forward gear;
 - c) avoid trip hazard to pedestrians; and

- d) inshore that low clearance vehicles can clear the crossover pavement upon entering and leaving the property.

ENG5. Provide a total for all stages of at least 75 car parking spaces for B99 vehicles including (2) PWD car parks, 2 loading bays, and 1 bus stop bay, in compliance with requirements of the current version of AS/NZ 2890 (absolute minimum) and in accordance with the requirements of Schedule 6 of South Burnett regional council planning scheme as a large number of vehicles in the region are B99 or equivalent, Council prefers that B99 vehicles I able to enter an exit parking spaces in a single manoeuvre.

Unrestricted access is to be provided for bona fide visitors to any visitor bay. Visit a car parks must be clearly labelled as 'visitor parking'.

Unrestricted access is to be provided to service vehicles to the site.

ENG6. Provide wheel stops in front of all car parking spaces in accordance with AS2890.1.

ENG7. The car parking areas and internal driveways shall be constructed, drained and surface with reinforced concrete. The construction and design shall be in accordance with the current version of AS/NZ 2890.1 and the requirements of table S2.7 - Design constraint and construction standards of the Kingaroy Shire IPA planning scheme. Standard of construction shall be consistent with details on the IPWEAQ standard Drawing No. RS-051 Driveways Heavy Duty Vehicle Crossing; or

Alternatively, the car parking areas an internal driveway shall be constructed with granular pavement with asphalt surfacing. The design of the pavement and surfacing shall be submitted to council for approval.

ENG8. Provide a signage and line marking plan for compliance assessment and install the traffic management devices required in accordance with the Manual of Uniform Traffic Control Devices (MUTCD); ensuring that the plan provides for the use of vehicles pedestrians and mobility aids for disabled access. Driveways and car parking areas shall be adequately signposted indicating combined usage by pedestrians and vehicles.

ENG9. Roads must designed and constructed in accordance with requirements of the South Burnett Regional Council Planning Scheme.

ENG10. Markwell St and Logan St are each classified as St for the purpose of the South Burnett Regional Council Planning Scheme. The applicant must design and construct:

- widening of the southern lane of Markwell St for the complete frontage of Lot 4 RP178596, to match the alignment at the existing traffic island within Markwell St located opposite the western side of this property, complete with pavement construction ceiling and installation of lay back K & C Type M3 along the southern Rd line alignment including the southern, western and eastern sides of the traffic island, alterations to the existing traffic island and reinstatement of the pavement where necessary.

ENG11. Pavements must be designed to cater for the ultimate development traffic loading.

STORMWATER DRAINAGE

ENG12. The applicant shall submit a stormwater Management Plan for Compliance Assessment to Council's detailing:

- a) how stormwater management will be carried out at each stage of the works; how stormwater management of these stages will be made complementary; and the ultimate development stormwater management plan for the complete site.
- b) hydraulic design for 1% AEP, 5% AEP, and 50% AEP storms, and provision of all software data files for both pre-development and post development scenarios;

- c) design drawings showing plans and longitudinal sections for stormwater infrastructure including hydraulic grade lines, stormwater flow rates and velocities, proposed locations and details of all stormwater pipelines, manholes, gully pits, field inlets pits, culverts, channels and on-site detention/retention tanks and/or detention basins including inlet and outlet details.
- d) drainage paths within the property and to the lawful point(s) of discharge; and
- e) details of any cut of fill required to direct stormwater to a lawful point of discharge.

ENG13. The stormwater drainage system serving the site including all surfaces, underground and roof water components must be designed in accordance with the requirements of the *Queensland Urban Drainage Manual* (QUDM) and certified by a RPEQ engineer; and so that the development will not make material change to pre development discharge rates, location, duration, frequency or concentration of over land storm water flow discharge to all downstream properties including road reserves. In the event that a material change to the pre development stormwater flows will occur, the applicant must produce evidence to the satisfaction of Council's General Manager of Infrastructure of a lawful right as to the method for storm water discharge over the downstream land.

ENG14. The stormwater drainage must be designed such that no restriction to existing or development stormwater flow from upstream properties of ponding of storm water within the upstream properties occurs as a result of the development.

END15. All stormwater collected from the site from roof and impervious areas must be piped to a lawful point of discharge. Such works must be constructed as determined by the detailed design.

ENG16. Detention basins shall be designed in accordance with the provisions of the *Queensland Urban Drainage Manual and Australian Rainfall and Runoff* and shall be constructed so as to ensure the integrity of the embankment during filling. A detailed hydrologic and geotechnical design and detailed engineering drawing shall be submitted to council for compliance assessment by council before commencing any operational works.

ENG17. Detailed plans are required to comply with storm water conditions shall be lodged under a separate development permit for operational works.

EASEMENT & DRAINAGE RESERVES

ENG18. The applicant must provide all easements or drainage reserves found necessary for whatever purpose during the course of engineering investigation and design. Such easements or drainage reserves shall have a width that is appropriate to their purpose, but in any case, generally not less than 4m. Such easements or drainage reserves shall be deeded to Council when the Survey Plan is presented for sealing.

ENG19. The effective width of these drainage reserves and easements shall be justified on the basis of hydrologic and hydraulic analysis and also make allowance at one bank for access and manoeuvring by a SRV maintenance vehicle; and this justification shall be reported within the Stormwater Management Plan that is required to be submitted for compliance assessment to Council.

WATER SUPPLY

ENG20. Water supply must be reticulated to the proposed development in accordance with the requirements of Schedule 6 of the South Burnett Regional Council Planning Scheme, WBBROC Water Services Design and Construction Code, and Councils customer service standards.

ENG21. An analysis and report of existing and ultimate water supply requirements for the development prepared and certified by a RPEQ Civil Engineer must be submitted for compliance assessment to Council, confirming that the internal water supply system will

meet the minimum pressure and flow requirements, including firefighting, of the WBBROC Water Services Design and Construction Code, Councils Customer Service Standards, and QFES requirements.

- ENG22. Detailed plans required to comply with water supply conditions, if not a self-assessable against the South Burnett Regional Council planning scheme, shall be lodged under a separate development permit for operational works.

SEWERAGE

- ENG23. Sewerage must be connected to the proposed development in accordance with the South Burnett Regional Council Planning Scheme and the WBBROC Design and Construction Code, and Council Requirements.

- ENG24. An analysis and report of the existing and ultimate sewerage requirements for the development paired and certified by a RPEQ Civil Engineer must be submitted for compliance assessment to Council.

- ENG25. Nominal Main Sizes shall be designed in accordance with the WBBROC Water Services Design and Construction Code, and Council requirements.

- ENG26. Detailed plans required to comply with sewerage conditions, if not self-assessable against the South Burnett Regional Council Planning Scheme, shall be lodged under a separate development permit for operational works.

STANDARD OF WORKS

- ENG27. Work shall be constructed generally in accordance with the specification requirements outlined in WBBROC water services design and construction code Aus-Spec#1 and the IPWEAQ Standard Drawings unless otherwise agreed by Council.

EARTHWORKS

- ENG28. Any proposed earthworks if not self-assessable against the South Burnett Regional Council Planning Scheme shall be done in accordance with Councils Planning Scheme Part 5.8 Table 5.8.1 - Operational Work and shall be undertaken under a separate development permit for operational work.

ADVICE CONDITIONS

- ADV1. Telecommunication connections can be arranged by logging onto Telstra's Website (<http://www.telstra.com.au/smart-community/developers/index.htm>) and completing the application for reticulation.

- ADV2. Council would encourage you to discuss this development with Ergon Energy upon receipt of this approval to facilitate the timely supply of electricity to the development. Connection of electricity can take up to 8 months from the date of application to Ergon Energy.

- 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 associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

- ADV4. All engineering designs, drawings and reports submitted to council for compliance assessment approval must be certified by appropriate registered professional engineer of Queensland.
- ADV5. To help the applicant to comply with water supply and sewerage conditions ENG20 to ENG26, Council has potable water supply and sewerage network models available to check the capacity and networks to service the proposed development. The applicant should approach Council regarding fees and charges related to analysing the effect of the development. Analysis results but no report will be provided and the applicant should ascertain the developments internal sewage and water supply demand including for firefighting purposes and refer to QFES for particular requirements.
- ADV6. The applicant will need to ascertain the hydraulic sewage load from the proposed development and check capacity of Council sewer along Logan Street from the proposed connection manhole to at least the point where it connects to the 300-millimetre diameter trunk sewer adjacent to First Avenue, to confirm whether or not it can accept this additional hydraulic load.
- ADV7. Any proposed commercial kitchen must be serviced with trade waste facilities by the applicant at its cost, in compliance with Council's Trade Waste Management Policy.
- ADV8. At the time of application for operational works approval and before construction works may commence, the applicant will be required to submit the following design drawings for compliance assessment by Council's General Manager of Infrastructure: -
- a) road works plans, cross sections, typical detailed cross sections and pavement design details;
 - b) water supply internal reticulation plans and design details;
 - c) stormwater layout plans longitudinal sections and design details.
- ADV9. The applicant must submit a completed *Permit to Work on Council Roads Application* available from <http://www.southburnett.qld.gov.au> (i.e., in this case, the required property access).
- ADV10. This approval includes SARAs response to the revised proposal plan dated 08 September 2023 and referenced 2106-22883SRA.
- ADV11. Infrastructure charges are now levied by way of an Infrastructure Charges Notice, issued pursuant to section 119 of the *Planning Act 2016*.
- ADV12. Council is offering a reduction infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 30 December 2023. Eligible development under this scheme is required to be completed by 30 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)

No implication identified.

POLICY/LOCAL LAW/DELEGATION IMPLICATIONS

No implication can be identified.

ASSET MANAGEMENT IMPLICATIONS

No implication can be identified.

REPORT

1. APPLICATION DETAILS

Site address	95 Markwell St Kingaroy		
Real property description	Lot 4 on RP178596		
Easements or encumbrances on title	NIL		
Area of Site	20,920sqm		
Current Use	Vacant		
Environmental Management Register or Contaminated Land Register	No		
Applicant's name	Eureka Group Holdings Limited C/- Plan A Town Planning & Development Consultants.		
Zone	Low Density Residential		
Applicable Overlays	Agricultural 'Class B' & Airport Overlay		
Proposed use as defined	Retirement Facility		
Details of proposal	Material Change of Use (MCU's)		
	▪ Building height	1 Storey	
	▪ Site Cover	34%	
	▪ Access	Markwell St & Logan Rd Frontages.	
	▪ Landscape	10%	
	▪ Number of car parks	75	
	▪ Number of units/tenancies	124	
	Reconfiguring a Lot (RALs)		
	• Number of existing lots	1	
	• Easements or leases proposed	NIL	
• Number of proposed lots	1		
Application type	Aspects of Development	Type of Approval Requested	
		Preliminary Approval	Development Permit
	Material Change of Use (MCU)		x
	Reconfiguration of a Lot (RAL)		
	Building Work (BW)		
Operational Work (OPW)			
Level of Assessment	Impact Assessment		
Pre-lodgement / Consultation history	NIL		
Key planning issues e.g. vegetation, waterway corridors, overland flow	Minor Change – Assessment against requirements under s81 of the Planning Act 2016.		
Referral agencies	Agency	Concurrence/ Advice	
		SARA/DTMR Concurrence Agency	

Public notification	N/A
Planning Regulation 2017	Refer to section 4 of this report.

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 immediately locality.

2.1. SITE DESCRIPTION & EXISTING USE

Table 1 – Maps & Descriptions

Site	95 Markwell St Kingaroy
Zoning	Low Density Residential
Overlays	Agricultural & Airport Overlay
Services	Road, Utilities, Stormwater.
Topography	Generally Flat.

2.2. DEVELOPMENT HISTORY OF THE SITE

Site is undeveloped.

3. PROPOSAL DETAILS

The proposal plans as set out in [Table 1](#) below are included in.

SUMMARY DETAILS

Tenancies	124 (Proposed)		
Building height	Less than 8.5m		
Storeys (height)	1 Storey		
Site Cover	34%		
GFA	7,099m ²		
Landscape	10% of the total site area		
Number of parking spaces	75 proposed		
Access	Via Markwell St & Logan Rd		
Design Vehicle	B99 Vehicle, MRV, RCV		
Setbacks	As shown on the plans		

4. ASSESSMENT OF ASSESSMENT BENCHMARKS

Framework for Assessment Categorising Instruments for Statutory Assessment

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

- the *Planning Regulation 2017*.
- s78(3)(b) Minor Change.

- schedule 2 of the Development Assessment Rules.
- s81 (2)(3)(4)(5) Assessing change applications for minor changes.
- s81A (1)(2)(3)(4)(5) Deciding applications for minor changes.
- any Temporary Local Planning Instrument.
- any Variation Approval.

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

PLANNING ACT 2016 s78(3)(b)

For a development approval –

- (i) *would not result in substantially different development; and*
- (ii) *if a development application for the development, including the change, were made when the change application is made would not cause -*
 - (A) *the inclusion of prohibited development in the application; or*
 - (B) *referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*
 - (C) *referral to extra referral agencies, other than to the chief executive; or*
 - (D) *a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or*
 - (E) *public notification if public notification was not required for the development application.*

DEVELOPMENT ASSESSMENT RULES

Schedule 2 Substantially Different Development

The change must not include any of the following:

- a) *involves a new use; or*
- b) *results in the application applying to a new parcel of land; or*
- c) *dramatically changes the built form in terms of scale, bulk and appearance; or*
- d) *changes the ability of the proposed development to operate as intended; or*
- e) *removes a component that is integral to the operation of the development; or*
- f) *significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or*
- g) *introduces new impacts or increases the severity of known impacts; or*
- h) *removes an incentive or offset component that would have balanced a negative impact of the development; or*
- i) *impacts on infrastructure provisions.*

PLANNING ACT 2016 s81

Assessing change applications for minor changes -

- (2) *In assessing the change application, the responsible entity must consider—*
 - (a) *the information the applicant included with the application; and*
 - (b) *if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and*

- (c) any pre-request response notice or response notice given in relation to the change application; and
 - (d) if the responsible entity is, under section 78A(3), the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and
 - (da) if paragraph (d) does not apply—all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and
 - (e) another matter that the responsible entity considers relevant.
- (3) Subsections (4) and (5) apply if the responsible entity must, in assessing the change application under subsection (2)(d) or (da), consider—
- (a) a statutory instrument; or
 - (b) another document applied, adopted or incorporated (with or without changes) in a statutory instrument.
- (4) The responsible entity must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made.
- (5) However, the responsible entity may give the weight the responsible entity considers is appropriate, in the circumstances, to—
- (a) the statutory instrument or other document as in effect when the change application was made; or
 - (b) if the statutory instrument or other document is amended or replaced after the change application is made but before it is decided—the amended or replacement instrument or document; or
 - (c) another statutory instrument—
 - (i) that comes into effect after the change application is made but before it is decided; and
 - (ii) that the responsible entity would have been required to consider if the instrument had been in effect when the development application for the development approval was properly made.

PLANNING ACT 2016 s81A

Deciding change applications for minor changes.

1. This section applies in relation to a change application for a minor change to a development approval.
2. After assessing the change application under section 81, the responsible entity must decide to—
 - (a) make the change, with or without imposing or amending development conditions in relation to the change; or
 - (b) refuse to make the change.
3. If there is no affected entity for the change application, the responsible entity must decide the application within 20 business days after receiving the application.
4. If there is an affected entity for the change application, the responsible entity—
 - (a) must not decide the application until—

- (i) the responsible entity receives a pre-request response notice, or response notice, from the affected entity; or
- (ii) the end of 20 business days after receiving the application; but
- (c) must decide the application within 25 business days after receiving the application.

4.1. PLANNING REGULATION 2017

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

PLANNING REGULATION 2017 DETAILS	
Assessment Benchmarks:	Schedule 12A Walkable Neighbourhoods
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>

Adopted Economic Support Instrument	<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> <ul style="list-style-type: none"> 4.1.1 Part 8B, Division 3 – Development that requires code assessment. 4.1.2 Schedule 6, Part 2, Section 7A – Particular material change of use involving an existing building, and 4.1.3 Schedule 6, Part 2, Section 7B – Material change of use for home-based business in particular zones. <p>The adopted instrument does not change the categories of development and assessment in the Planning Scheme v1.4</p>
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4.2. 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 require referral to a referral agencies prescribed under Schedule 10, as demonstrated in Table 3.

Note: Grey shading indicates no provisions.

Part	Matter	Applicability to this Development Application	Prohibited Development	Assessable Development	Referral Agency	Assessment Benchmarks / Matters to be assessed against
1	Airport Land	N/A		N/A	N/A	N/A
2	Brothels	N/A	N/A	N/A		N/A
3	Clearing Native Vegetation	N/A	N/A	N/A	N/A	N/A
4	Contaminated Land	N/A		N/A	N/A	N/A
5	Environmentally Relevant Activity	N/A	N/A	N/A	N/A	N/A
6	Fisheries: - Aquaculture - Declared Fish Habitat - Marine Plants - Waterway Barrier works	N/A N/A N/A N/A		N/A	N/A	N/A
7	Hazardous Chemical Facilities	N/A		N/A	N/A	N/A
8	Heritage Place: - Local Heritage Place - Queensland Heritage Place	N/A		N/A	N/A	N/A
9	Infrastructure Related: - Designated Premises - Electricity - Oil and Gas - State Transport Corridors and Future State Transport Corridors - State-controlled transport tunnels and future state-controlled	N/A N/A N/A N/A TMR as concurrence agency triggered. Amended Concurrence advice agency required to allow Council to make a decision. N/A			N/A	N/A

Table 3 - Matters Prescribed in Schedule 10 of the Planning Regulation						
Part	Matter	Applicability to this Development Application	Prohibited Development	Assessable Development	Referral Agency	Assessment Benchmarks / Matters to be assessed against
	transport tunnels					
10	Koala Habitat in SEQ region	N/A	N/A			N/A
11	Noise Sensitive Place on Noise Attenuation land	N/A	N/A			
12	Operational Work for Reconfiguring a Lot	N/A		N/A		
12A	Walkable Neighbourhoods – particular reconfiguring a lot	N/A		N/A		N/A
13	Ports: - Brisbane Core Port Land - Within the port limits of the Port of Brisbane - Within the limits of another port - Strategic Port Land	N/A N/A N/A N/A		N/A	N/A	N/A
14	Reconfiguring a Lot under the Land Title Act	N/A		N/A	N/A	N/A
15	SEQ Development Area	N/A		N/A	N/A	N/A
16	SEQ Regional Landscape and Rural Production Area and Rural Living Area: - Community Activity - Indoor Recreation - Residential Development - Urban Activity	N/A	N/A	N/A	N/A	N/A
16A	Southport Spit	N/A	N/A			
17	Tidal Works or Work in a Coastal Management District	N/A		N/A	N/A	N/A
18	Urban Design	N/A			N/A	N/A

Table 3 - Matters Prescribed in Schedule 10 of the Planning Regulation						
Part	Matter	Applicability to this Development Application	Prohibited Development	Assessable Development	Referral Agency	Assessment Benchmarks / Matters to be assessed against
19	Water Related Development: - Taking or interfering with water - Removing quarry material - Referral dams - Levees	N/A N/A N/A N/A		N/A	N/A	N/A
20	Wetland Protection Area	N/A	N/A	N/A	N/A	N/A
21	Wind Farms	N/A		N/A		N/A

Based on the findings in Table 3 it has been concluded that the application requires referral to a Referral Agency in accordance with Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 of the *Planning Regulation 2017*.

4.3. STATE PLANNING POLICY

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
Economic growth • Agriculture. • Development and construction. • Mining and extractive resources. • Tourism.	No applicable assessment benchmarks
Planning for the environment and heritage. • Biodiversity. • Coastal environment. • Cultural heritage. • Water quality	No applicable assessment benchmarks
Safety and resilience to hazards • Emissions and hazardous activities. • Natural hazards, risk, and resilience.	No applicable assessment benchmarks
Infrastructure • Energy and water supply. • Infrastructure integration. • Transport infrastructure. • Strategic airports and aviation facilities. • Strategic ports.	Complies. All appropriate services infrastructure and connections can be made and are conditioned as part of the approval.

4.4. Section 78(3)(b) Planning Act 2016

The Change Request was assessed against this section of the *Planning Act 2016* to ensure that proposed changes are minor in accordance with prescribed requirements:

Planning Act 2016 78(3)(b)	Responses
(i) Development approval <i>would not result in substantially different development;</i>	Complies – proposed changes to the Retirement Facility are not cause for ‘Substantially Different Development’. (Refer to response to Schedule 2 of the DA rules below for the assessment)
(ii) Development approval <i>would not - if a development application for the development, including the change, were made when the change application is made would not cause -</i>	Complies – as discussed in (a) to (e) below:
a) <i>the inclusion of prohibited development in the application; or</i>	No prohibited development is introduced the changes remain within the expected scope of a Retirement Facility.
b) <i>referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or</i>	Assessment of the proposed changes outlined in the application package were not considered to have cause for referral to anyone other than chief executive (advice & concurrence triggers reviewed).
c) <i>referral to extra referral agencies, other than to the chief executive; or</i>	Assessment of the proposed changes outlined in the application package were not considered to have cause to trigger referral to a new referral agency (advice & concurrence triggers reviewed).
d) <i>a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made;</i>	Department of Transport and Main Roads advice dated 8 September 2023 SARA raised no objection to this change request.
e) <i>public notification if public notification was not required for the development application.</i>	Approval was based on an Impact Application. Thresholds considered in this minor change assessment make no difference to those previously considered (was impact assessable remains impact assessable).

4.5 Schedule 2 Development Assessment Rules

This change request was assessed against the ‘Substantially Different Development’ test to ensure the applicants proposed changes remained within the limits of a minor change.

Schedule 2 Development Assessment Rules Substantially Different Development	Responses
The change must not include any of the following:	Complies as noted in the responses below:
a) <i>involves a new use; or</i>	A new use was not noted during assessment of the change request.
b) <i>results in the application applying to a new parcel of land; or</i>	The approved development remains in effect on the land subject to the original decision.
c) <i>dramatically changes the built form in terms of scale, bulk and appearance; or</i>	Additional units proposed remain within the scope of previously approved buildings (single

	storey units, set amongst landscaped garden areas).
d) <i>changes the ability of the proposed development to operate as intended; or</i>	The retirement facility is expected to operate in accordance with the definition to which it was approved.
e) <i>removes a component that is integral to the operation of the development; or</i>	Components considered integral to the development remain in place or have been replaced with adequate options.
f) <i>significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or</i>	Is not considered to impact on traffic flow.
g) <i>introduces new impacts or increases the severity of known impacts; or</i>	Assessment of the proposed changes did not note any new impacts, it has been determined that sufficient conditions are imposed to manage/mitigate potential impacts.
h) <i>removes an incentive of offset component that would have balanced a negative impact of the development; or</i>	Change do not remove incentivised offset components.
i) <i>impacts on infrastructure provisions</i>	Change are not anticipated to impact infrastructure provision.

4.6 Section 81 Planning Act 2016 Assessing the Changes

Section 81(2)(a to e)	Response
(2) <i>In assessing the change application, the responsible entity must consider—</i>	
a) <i>the information the applicant included with the application; and</i>	The applicant's material lodged and that made in response to Council's further advice (request for information) was considered.
b) <i>if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and</i>	There were no submissions to consider.
c) <i>any pre-request response notice or response notice given in relation to the change application; and</i>	Department of Transport and Main Roads notice dated 8 September 2023 SARA is attached
d) <i>if the responsible entity is, under section 78A(3), the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and</i>	Not applicable – this application was not called in by the Minister.
da) <i>if paragraph (d) does not apply—all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and</i>	Refer to the comments regarding assessment against the SBRC Regional Council Planning Scheme v 1.4.
e) <i>another matter that the responsible entity considers relevant.</i>	It was determined that there were no additional relevant matters needing consideration.
Section 81(3)(a & b)	Response
(3) <i>Subsections (4) and (5) apply if the responsible entity must, in assessing the change application under subsection (2)(d) or (da), consider—</i>	

(a) a statutory instrument; or	The Change request was considered against the SBRC Regional Planning Scheme in effect at the time of approval.
(b) another document applied, adopted or incorporated (with or without changes) in a statutory instrument.	There are no other documents to consider.
Section 81(4)	Response
(4) The responsible entity must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made.	The SBRC Regional Planning Scheme was in effect at the time of the approval for MCU21/0006 (refer to assessment against the planning scheme below)
Section 81(5)	Response
(5) However, the responsible entity may give the weight the responsible entity considers is appropriate, in the circumstances, to—	the weight the responsible entity considers is
a) the statutory instrument or other document as in effect when the change application was made; or	MCU21/0006 was decided 3 August 2021, the current SBRC Planning Scheme v1.4 was in effect at the time and remains in effect.
(b) if the statutory instrument or other document is amended or replaced after the change application is made but before it is decided—the amended or replacement instrument or document; or	The current SBRC Planning Scheme v1.4 is likely be in effect at time of decision (with additional planning scheme amendments not considered relevant to date).
(c) another statutory instrument— (i) that comes into effect after the change application is made but before it is decided; and (ii) that the responsible entity would have been required to consider if the instrument had been in effect when the development application for the development approval was properly made.	State Planning Policy was considered at time of assessment. The changes were not considered to affect requirements.

4.7 Section 81A Planning Act 2016 Deciding Change Applications for Minor Changes.

Section 81A (1)	Response
1. This section applies in relation to a change application for a minor change to a development approval.	
2. After assessing the change application under section 81, the responsible entity must decide to— (a) make the change, with or without imposing or amending development conditions in relation to the change; or (b) refuse to make the change.	It was determined that existing conditions imposed at MCU21/0006 sufficiently covered off on requirements associated with this minor change request. Accordingly changes to conditions is limited to condition 1 which referred to the approved drawings and Condition 6 amended number of parking bays.
3. If there is no affected entity for the change application, the responsible entity must decide the application within 20 business days after receiving the application.	Department of Transport and Main Roads is an affected entity. Please refer to response dated 8 September 2023 SARA for the early concurrence response.
4. If there is an affected entity for the change application, the responsible entity— (a) must not decide the application until—	The affected entity (Department of Transport and Main Roads) has provided their response notice.

<p>(i) the responsible entity receives a pre-request response notice, or response notice, from the affected entity; or</p> <p>(ii) the end of 20 business days after receiving the application; but</p>	
<p>5. If there is an affected entity for the change application, the responsible entity—</p> <p>(a) must not decide the application until—</p> <p>(i) the responsible entity receives a pre-request response notice, or response notice, from the affected entity; or</p> <p>(ii) the end of 20 business days after receiving the application; but</p> <p>(b) must decide the application within 25 business days after receiving the application.</p>	<p>SARA provided response 8 September 2023.</p>

4.8 South Burnett Regional Council Planning Scheme v1.4

Strategic Plan	Response
<p>It was determined that the scope of changes proposed to the approved Retirement facility was consistent with strategic elements in the SBRC Planning Scheme v1.4 as the development retains a use that is generally envisaged within a Low-density Zone (and based on this assessment not considered substantially different to that initially approved).</p>	
Zone Code (LDR)	Response
<p>It was determined that the scope of the changes proposed to the approved Retirement facility were generally consistent with Performance and Acceptable Outcomes in applicable at the time of the initial approval and still currently in effect. In accordance with s81(4) of the Planning Act 2016 it is deemed that proposed minor changes would have likely been supported if put forward at time of initial assessment and decision.</p>	
Zone Code (Medium Density)	Response
<p>The LDR Zone does not contain assessment benchmarks that specifically assess a Retirement facility (facility), nor does the SBRC Planning Scheme contain a specific use code in part 8, hence in accordance with s45 of the Planning Act 2016, the previous assessment and decision must have relied on the SBRC Planning Scheme 2017 v1.4 Medium Density Zone code (as the appropriate assessment benchmark). The Below factors were considered upon clarification of Councils xx xx 2023 further advice request.</p>	
<p>Medium Density Zone Code – Section 1 – Acceptable Outcome AO1.4 Where adjoining a house provide 1.8m high Fencing.</p>	<p>Acceptable Outcome AO1.5 – Complies applicant confirmed they intend to build an acoustic fence in accordance with the conditions in the approval (which is 1.8m).</p>
<p>Medium Density Zone Code – Section 4 – Acceptable Outcome AO15.3, communal and private open space areas oriented north.</p>	<p>Performance Outcome PO15 – Complies. The change request included and increased number of units with a western orientation which was considered to negatively affect open space areas of said units. Applicant was requested to provide further detail on measures to alleviate solar effects. In this instance the applicant demonstrated that intensive landscaping will be undertaken permitting large canopy trees west of affected dwellings (therefore encouraging long term shade/relief from western sun). The proposed landscaping is considered an</p>

	adequate response to PO15 in that west facing outdoor space will receive shade.
Services and Works Code	Response
Services and Works Code – Section 1 – Acceptable Outcome AO1.1, Stormwater;	Acceptable Outcome AO1.1 – complies an addendum to the Keyhoe/Myers Stormwater Management Plan was provided in support of this change request. Council's engineer reviewed Keyhoe/Myers noting responses to pre/post development flows and water quality. Council's engineer determined that existing conditions will suffice (submission of further detailed design documentation required).
Services and Works Code – Section 3 – Acceptable Outcome AO6.1, carparking.	Acceptable Outcome AO6.1 – complies, applicant was asked to clarify where additional parking spaces were nominated on the drawings. Applicant provided the locations o 9 bays that could not be found (now clarified and noted on the drawings). Council's engineer has accepted the proposed changes to parking.
Services and Works Code – Section 4 – Acceptable Outcomes AO7.1, 2,3 Landscape areas;	Acceptable Outcomes AO7.1,2, & 3 – complies, applicant was asked to provide additional details and technical information on how intended landscaping will work. Applicant provided a suite of plans, sections, & planting palette showing how vegetation will retain viability (in particular the large canopy trees intended for shading purposes). The landscaping concept was produced by a registered landscape architect hence the concept moving forward is considered as best practice as possible.

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	Traffic Report (Bitzios Consulting) – Reference P5987.002R 95 Markwell St Kingaroy (date 25/07/23). Stormwater Report (Kehoe Myers) – Reference 52223290.
Dwelling Orientation	Initial assessment of proposed changes to the Retirement facility identified a larger number of dwellings whose living areas will face west therefore increasing reliance of mechanical ventilation systems. The applicant was asked to further clarify and make provision for high quality landscape treatments that would provide long term assistance to those building facades with western exposure. It was noted that the applicant's landscape concept plan intends to install a proliferation of large shade trees throughout the development site whose canopies will generally sit above the dwelling roof line and retain dripline spread of approximately 4.5m to 5m (diameter).

	Pursuant to s45 of the Planning Act 2023 it is determined that acceptable measures will be undertaken to manage unwanted solar exposure within unit living areas.
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5. CONSULTATION

Referral Agencies

State Assessment and Referral Agency Response received 8 September 2023	DTMR Concurrence Agency
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Council Referrals

<i>INTERNAL REFERRAL SPECIALIST</i>	<i>REFERRAL / RESPONSE</i>
Development Engineer	Council's Development Engineer provided revised comments in relation to the Infrastructure Charges Notice and engineering conditions.
Infrastructure Charges Unit	<p>Council adopted the LGIP on 24 June 2019 which commenced on 1 July 2019.</p> <p>The types of development that may trigger the issuing of an infrastructure charges notice are:</p> <ul style="list-style-type: none"> • Reconfiguring a lot; • Making a Material Change of Use; • Carrying out Building Work. <p>Refer to Attachment B for the Infrastructure Charges Notice</p>

6. RECOMMENDATION

It is recommended that this change request to an existing Material Change of Use Retirement facility (124 units) be approved subject to conditions as outlined in this report.

Infrastructure charges be levied under SBRC AICR for the additional units (with credits applied where deemed appropriate)

ATTACHMENTS

1. Attachment A - Statement Reasons
2. Attachment B - Infrastructure Charges Notice
3. Attachment C - Approved Plans
4. Attachment D - SARA Referral Response to Change

NOTICE ABOUT DECISION – STATEMENT OF REASONS

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

Applicant:	Eureka Group Holdings Limited C/- Plan A Town Planning & Development Consultants.
Application No:	MCU23/0007
Proposal:	Change Request to an Existing Approval (s81 Minor Change).
Street Address:	Residential Care Facility
RP Description:	Lot 4 on RP178596
Assessment Type:	Impact
Number of Submissions:	NIL

On 12 September 2023 the above development was recommended for:

- Approval
 Refusal

1. Reasons for the Decision

The reasons for this decision are:

- Proposed changes to the existing approved Residential Care Facility were assessed in accordance with the requirements set out in the Planning Act 2016 and determined to be Minor in that:
 - Pursuant to Development Assessment Rules (schedule 2) development is not substantially different from that approved (despite the changes).
 - Prohibited development is not introduced.
 - Assessment by a new referral agency and/or public notification is not required.
 - The changes are determined to comply with statutory instrument in effect at the time.
 - The changes are determined to comply with statutory instrument currently in effect.

2. Assessment Benchmarks

The following are the benchmarks apply to this development:

- South Burnett Regional Council Planning Scheme 2017
- Strategic Outcomes
- Medium density residential zone code
- Services and Works Code

3. Compliance with Benchmarks

ASSESSMENT MATTERS	
Relevant matters	<p>The proposed development was assessed against the following relevant matter/s:</p> <ul style="list-style-type: none"> - Inappropriate building orientation – proposed changes include an increased number of units whose living areas will be exposed to western sun which should be avoided. This was considered an issue in terms of addressing Planning Scheme Strategic Outcomes pertaining to

	liveability. Notwithstanding the applicant has devised a landscape solution that will provide shade relief to exposed western areas. The applicant's solution was determined to be appropriate in this instance.	
Matters raised in submissions	Issue	How matter was dealt with
Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and complies with all of these or can be conditioned to comply.	

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

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

APPLICANT:	Eureka Group Holdings Limited C/- Plan A Town Planning Pty Ltd PO Box 1661 MILTON QLD 4064	
APPLICATION:	Minor Change to Development Approval (MCU21/0006) – Retirement Facility 124 units	
DATE:	31/08/2023	
FILE REFERENCE:	MCU23/0007	
AMOUNT OF THE LEVIED CHARGE: <i>(Details of how these charges were calculated are shown overleaf)</i>	\$1,758,819.00	Total
	\$861,878.00	Water Supply Network
	\$474,829.00	Sewerage Network
	\$211,118.00	Transport Network
	\$175,931.00	Parks and Land for Community Facilities Network
	\$35,063.00	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 RP178596	
SITE ADDRESS:	95 Markwell St, Kingaroy	
PAYABLE TO:	South Burnett Regional Council	
WHEN PAYABLE: <i>(In accordance with the timing stated in Section 122 of the Planning Act 2016)</i>	Material Change of Use – When the change happens.	
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
Accommodation (long term) (1 or 2 bedroom suite)	124	dwelling	\$7,030.00	CR Table 2.1	\$871,720.00

Discounts*

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

Sewerage

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Accommodation (long term) (1 or 2 bedroom suite)	124	dwelling	\$3,873.00	CR Table 2.1	\$480,252.00

Discounts*

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

Transport

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Accommodation (long term) (1 or 2 bedroom suite)	124	dwelling	\$1,722.00	CR Table 2.1	\$213,528.00

Discounts*

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

Residential Use

Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Accommodation (long term) (1 or 2 bedroom suite)	124	dwelling	\$1,435.00	CR Table 2.1	\$177,940.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lawful use – Residential Use	1	dwelling	\$2,009.00	CR Table 2.1	\$2,009.00

Stormwater

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Accommodation (long term) (1 or 2 bedroom suite)	124	dwelling	\$286.00	CR Table 2.1	\$35,464.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lawful use – Residential Use (3 or more bed)	1	dwelling	\$401.00	CR Table 2.1	\$401.00

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Accommodation (long term) (1 or 2 bedroom suite)	\$861,878.00	\$474,829.00	\$211,118.00	\$175,931.00	\$35,063.00	\$1,758,819.00
Total	\$861,878.00	\$474,829.00	\$211,118.00	\$175,931.00	\$35,063.00	\$1,758,819.00

* 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 *Planning Act 2016* to support the Local government's long-term infrastructure planning and financial sustainability.

Appeals

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

Automatic Increase Provision of charge rate (\$)

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

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

GST

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

Making a Payment

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

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

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

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

PROPOSED RETIREMENT VILLAGE BY EUREKA GROUP HOLDINGS
 95 MARKWELL STREET, KINGAROY, QLD 4610
 ARCHITECTURAL SITE MASTER PLANS



TYPE SCHEDULE

UNIT TYPE	QUANTITY	TOTAL
UNIT 1A	23	23
UNIT 1B	23	23
UNIT 2A	14	14
UNIT 2B	13	13
UNIT 3	21	21
UNIT 4	20	20
UNIT 5	13	13
TOTAL UNITS	124	124

LEGEND

- UNIT 1A
- UNIT 1B
- UNIT 2A
- UNIT 2B
- UNIT 3
- UNIT 4
- UNIT 5
- COMMUNITY CENTRE
- PERGOLA
- DOG PARK
- SHED
- EXTG PROPERTY
- 1.1M HIGH TIMBER PAINTED FENCE
- DRIVEWAY
- ENTRANCE GATE
- EXIT
- SEWER MANHOLE
- DOG PARK VEHICLE

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 FINAL WRITTEN APPROVAL BY YKDESIGNS.
 PLANS FOR BUILDING APPROVAL WILL NOT HAVE THIS NOTE.
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SITE MASTER PLAN
 SCALE: 1:500

YKDESIGNS
 DESIGN & MANAGEMENT

MCD
 A U.S. F.I.A. U.S.A.
 Project Building Partner

KINGAROY
 95 MARKWELL STREET,
 KINGAROY, QLD 4610
 ARCHITECTURAL SITE MASTER PLANS

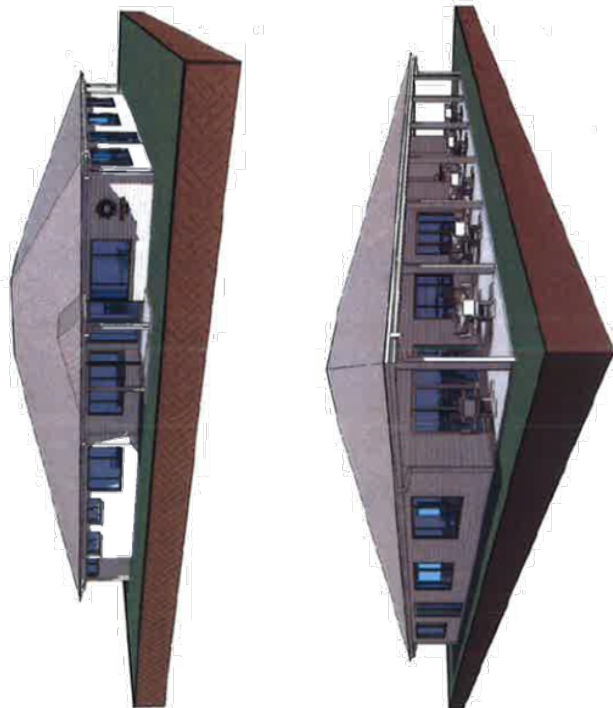
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NO.	DATE	DESCRIPTION
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COORDINATOR
 NAME: []
 LR: []
 SCALE: AS SHOWN
 DATE: 2023.07.26
 SHEET: 00-001
 COL: []

Document Ref: 00_1981714

PROPOSED RETIREMENT VILLAGE BY EUREKA GROUP HOLDINGS
 95 MARKWELL STREET KINGARROY QLD4610
 PROPOSED COMMUNITY CENTRE



DRAWING SCHEDULE		DATE	ISSUE
COMMUNITIVE		2023.06.21	DA RFLA
SHEET TITLE	SHEET #	AMD #	ISSUE
COVER SHEET	0000	DA/SHA	DA/SHA
1ST FLOOR PLAN	0001	DA/SHA	DA/SHA
FLOOR PLAN	0002	DA/SHA	DA/SHA
SECTION PLAN	0003	DA/SHA	DA/SHA
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SECTION PLAN	0098	DA/SHA	DA/SHA
SECTION PLAN	0099	DA/SHA	DA/SHA
SECTION PLAN	0100	DA/SHA	DA/SHA

NOTE
 THESE DRAWINGS HAVE BEEN PREPARED FOR THE PURPOSE OF OBTAINING BUILDING APPROVALS AND MUST BE STRICTLY READ IN CONJUNCTION WITH CLIENT INSTRUCTIONS AND ANY OTHER DOCUMENTS PROVIDED TO THE ARCHITECT. THE ARCHITECT SHALL NOT TAKE RESPONSIBILITY FOR ERRORS AND OMISSIONS IN SUB-CONSULTANT DRAWINGS OR DOCUMENTATION. THESE DRAWINGS SHALL BE USED FOR CONSTRUCTION ONLY WHEN THE LAST ISSUE DATE IS NO OLDER THAN 12 MONTHS FROM THE DATE THAT THE BUILDING PERMIT IS ISSUED. A BUILDING PERMIT MUST BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY AND ALL ERRORS, OMISSIONS OR CONFLICTS IN THESE DRAWINGS.

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DRAWN		CHECKED		DATE	
LR	LR	YK	YK	21/10	21/10
SCALE		SCALE		DATE	
1:100 B & C		1:100 B & C		2023.06.21	
SHEET		SHEET		DATE	
00-001		00-001		DA RFLA	

IT IS A CONDITION OF USE OF THESE PLANS THAT THE BUILDER HAVE A COPY OF THE LATEST VERSION OF THE BUILDING CODE OF AUSTRALIA, AND ALL OTHER CODES REQUIRED FOR CONSTRUCTION ON SITE.

KINGARROY
 95 MARKWELL STREET
 KINGARROY QLD4610
 PROPOSED COMMUNITY CENTRE

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95 MARKWELL STREET KINGAROO QLD4610
PROPOSED COMMUNITY CENTRE



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KEY PLAN
1
1:500

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DESIGN & MANAGEMENT

1100 GOLD NEIGHBOURHOOD TOWNHOMES
95 MARKWELL STREET KINGAROO QLD4610
PROPOSED COMMUNITY CENTRE

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1100 GOLD NEIGHBOURHOOD TOWNHOMES
95 MARKWELL STREET KINGAROO QLD4610
AUSTRALIA
PH: 08 9437 3699
WWW.YKDESIGNS.COM.AU

MCD
Project & Asset Management

PROJECT GROUP
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AUSTRALIA
PH: 08 9437 3699
WWW.MCD.COM.AU

KINGAROO
95 MARKWELL STREET
KINGAROO QLD4610
PROPOSED COMMUNITY CENTRE

KEY PLAN

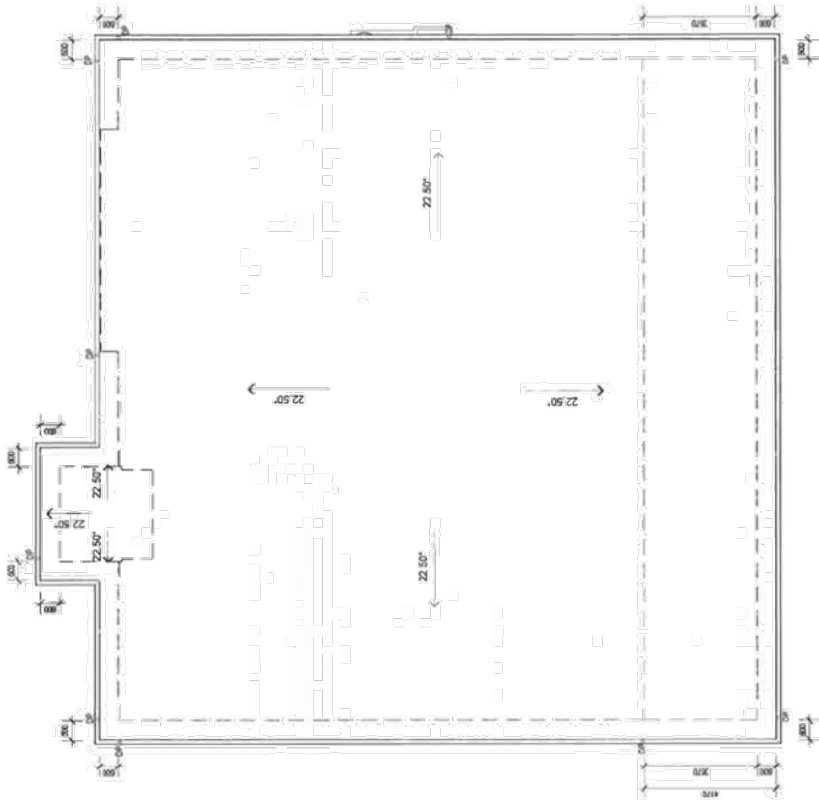
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DATE: 2023.06.21
PROJECT: 00-002
SHEET: 00-002

DA REF: 2023.06.21
DATE: 2023.06.21
PROJECT: 00-002
SHEET: 00-002

DA REF: 2023.06.21
DATE: 2023.06.21
PROJECT: 00-002
SHEET: 00-002

FIRST FLOOR REINFORCEMENT VILLAGE 01 EUREKA STREET BUILDINGS
95 MARKWELL STREET KINGARROY QLD4610
 PROPOSED COMMUNITY CENTRE

- NOTES:**
1. ALL ROOMS ACCESSIBLE TO BE CONSIDERED COMPLIANT TO FOOT OCCUPANCY.
 2. ALL ROOMS ACCESSIBLE TO BE CONSIDERED COMPLIANT TO FOOT OCCUPANCY.
 3. ALL ROOMS ACCESSIBLE TO BE CONSIDERED COMPLIANT TO FOOT OCCUPANCY.
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 9. ALL ROOMS ACCESSIBLE TO BE CONSIDERED COMPLIANT TO FOOT OCCUPANCY.
 10. ALL ROOMS ACCESSIBLE TO BE CONSIDERED COMPLIANT TO FOOT OCCUPANCY.



ROOF PLAN
 1:100

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ROOF PLAN

DATE: 2023.08.21
 SHEET: 01-105 DA-RFLA

SCALE: 1:100 A3

DATE: 2023.08.21

DATE: 2023.08.21

YKDESIGNS
 DESIGN & MANAGEMENT

10/100 MARKWELL STREET, KINGARROY QLD 4610
 PH: 08 4610 1000
 WWW.YKDESIGNS.COM.AU

KINGARROY
 95 MARKWELL STREET
 KINGARROY QLD4610
 PROPOSED COMMUNITY CENTRE

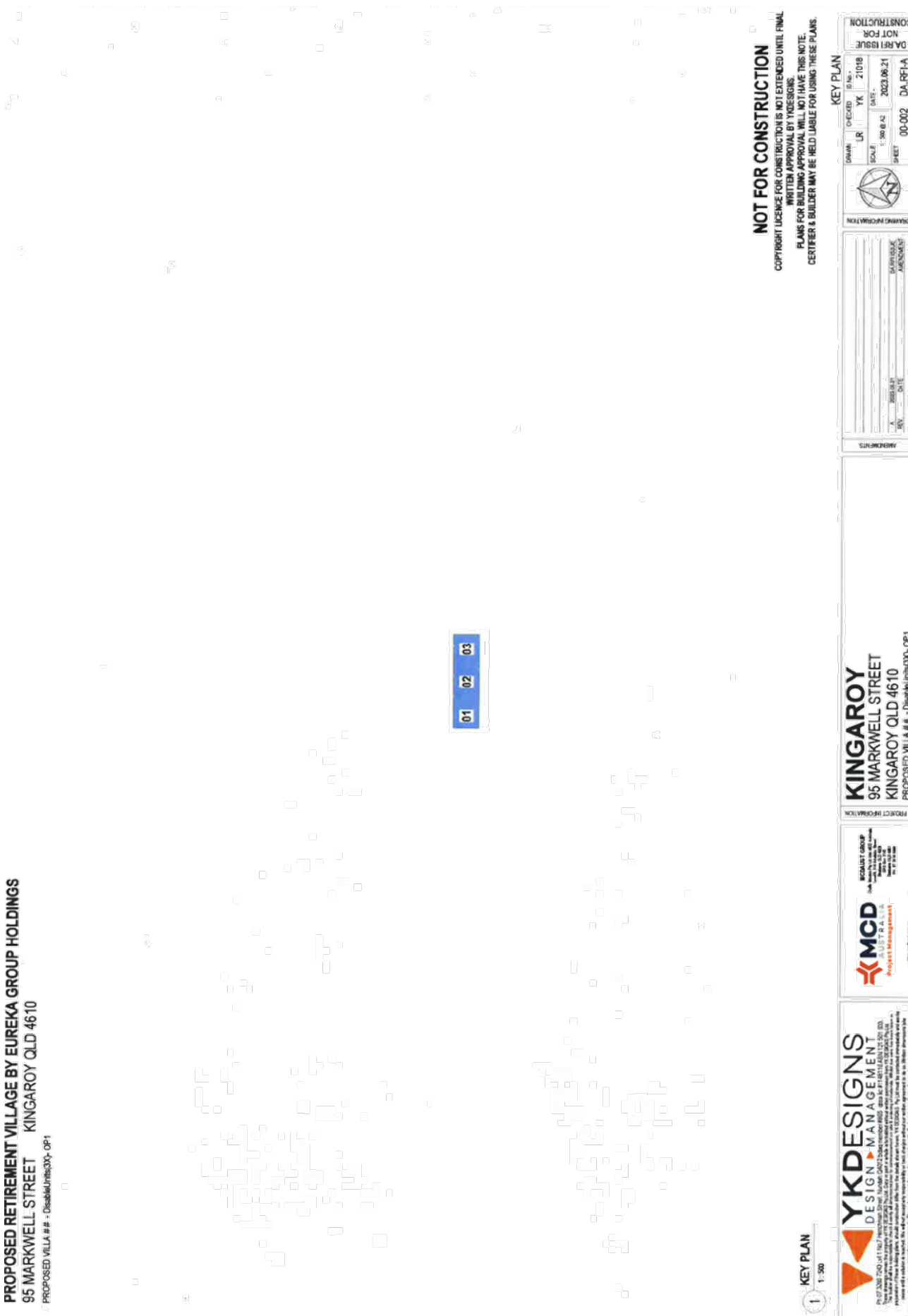
MCD
 PROJECT MANAGEMENT

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 PH: 08 4610 1000
 WWW.MCDPROJECTS.COM.AU

YKDESIGNS
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PROPOSED RETIREMENT VILLAGE BY EUREKA GROUP HOLDINGS
95 MARKWELL STREET KINGARROY QLD 4610
 PROPOSED VILLA #8 - Disabled Units3X3- OP1



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KEY PLAN
 1:500

YKDESIGNS
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 Pty Ltd
 1/17 Fernside Street, Mackay QLD 4740
 Phone: 07 4922 2222
 Email: info@ykdesigns.com.au
 Website: www.ykdesigns.com.au
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MCD
 PROJECT MANAGEMENT
 1/17 Fernside Street, Mackay QLD 4740
 Phone: 07 4922 2222
 Email: info@mcdpm.com.au
 Website: www.mcdpm.com.au

KINGARROY
 95 MARKWELL STREET
 KINGARROY QLD 4610
 PROPOSED VILLA #8 - Disabled Units3X3- OP1

REVISIONS

NO.	DATE	DESCRIPTION

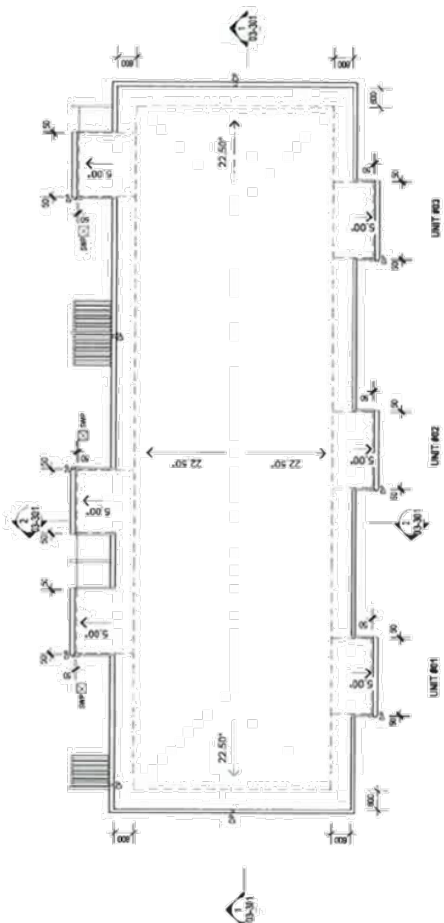
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DRAWN	CHECKED	DATE	SCALE	DATE	SCALE
LR	YK	21/08	1:500 & A2	2023/08/21	1:500 & A2

DA RFI ISSUE
 NOT FOR CONSTRUCTION

PROPOSED RETIREMENT VILLAGE BY EUREKA GROUP HOLDINGS
95 MARKWELL STREET KINGARROY QLD 4610
 PROPOSED VILLA #8 - DisabledUnits0X-OP1

- NOTE:**
1. ALL ROOF ACCESSORIES TO BE COLOURED TO MATCH THE ROOF FINISH.
 2. DOWNPIPES TO BE BROWN TO MATCH TO WALL COLOUR.
 3. TYPICAL OVERHANGS TO BE 80MM TO REAR OF FAÇADE.
 4. ENSURE ALL INSTALLATIONS ARE PLACED IN AN APPROPRIATE LOCATION.
 5. PROVIDE EXTERNAL TV ANTENNA TO ROOF.
 6. PROVIDE EXTERNAL TV ANTENNA TO ROOF.
 7. REFER TO LANDSCAPE DRAWINGS FOR EXACT LOCATIONS.
 8. REFER TO MECHANICAL DRAWINGS FOR EXACT LOCATIONS.
 9. REFER TO CIVIL & HYDRAULIC DRAWINGS FOR EXACT LOCATIONS.
- NOTE:**
- ROOF PITCHES ARE SHOWN NUMERICAL WITH DRAINING DIRECTIONS & HEIGHTS AS DETAILED TAKING PRECEDENCE.



1 ROOF PLAN
1:100

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ROOF PLAN

DRAWN	LR	CHECKED	YK	BY NO.	21019
SCALE	1:100 @ A2	DATE:	2023.06.21		
SHEET	01-105	DA:RFLA			

DA:RFLA
NOT FOR CONSTRUCTION

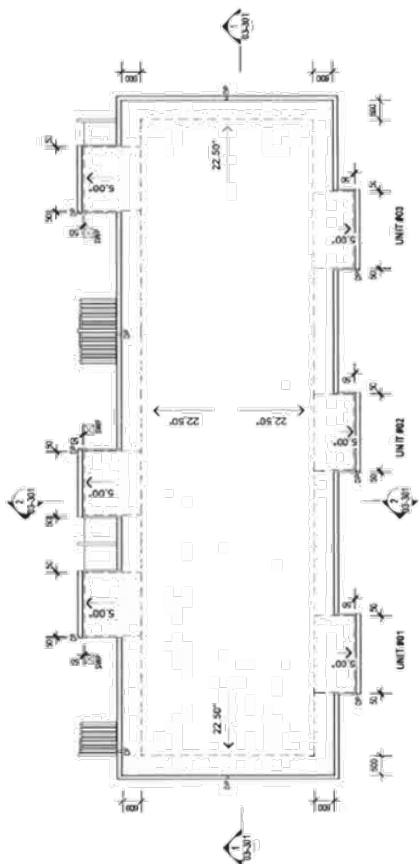
KINGARROY
 95 MARKWELL STREET
 KINGARROY QLD 4610
 PROPOSED VILLA #8 - DisabledUnits0X-OP1

MCD
 PROJECT MANAGEMENT
 11/11/2023

YKDESIGNS
 DESIGN & MANAGEMENT
 11/11/2023

PROPOSED VILLA # - SUBURBAN VILLAS
 95 MARKWELL STREET KINGARROY QLD 4610
 PROPOSED VILLA # - SUBURBAN VILLAS - OP2

- NOTE:**
1. ALL INFORMATION TO BE COLOURED.
 2. DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.
 3. TYPICAL FINISHES TO BE SHOWN TO MATCH COLOR.
 4. FINISHES TO BE SHOWN TO MATCH COLOR.
 5. FINISHES TO BE SHOWN TO MATCH COLOR.
 6. FINISHES TO BE SHOWN TO MATCH COLOR.
 7. REFER TO DIM. & FINISHES DRAWING FOR EXACT LOCATIONS.
 8. REFER TO DIM. & FINISHES DRAWING FOR EXACT LOCATIONS.
- NOTES:**
1. ROOF FINISHES ARE SHOWN MINIMAL WITH OVERLAP.
 2. DIMENSIONS & HEIGHTS AS NOTED TAKING PRECEDENCE.



1 ROOF PLAN
 1:100

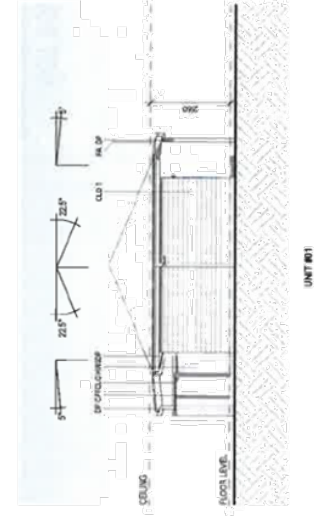
NOT FOR CONSTRUCTION
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 YKDESIGNS DESIGN MANAGEMENT 1/100 MARKWELL STREET, KINGARROY QLD 4610 PHONE: 07 4610 1000 WWW.YKDESIGNS.COM.AU	 MCD PROJECT MANAGEMENT 1/100 MARKWELL STREET, KINGARROY QLD 4610 PHONE: 07 4610 1000 WWW.MCDPROJECT.COM.AU	PROJECT INFORMATION PROJECT NAME: SUBURBAN VILLAS - OP2 PROJECT ADDRESS: 95 MARKWELL STREET, KINGARROY QLD 4610 PROJECT NUMBER: SUBURBAN VILLAS - OP2	DRAWING INFORMATION DRAWING NO.: 01-105 DATE: 2023.06.21 SHEET: DA-REF-A

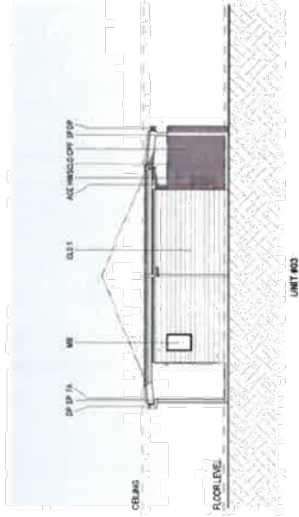
PROPOSED RETIREMENT VILLAGE BY EUREKA GROUP HOLDINGS
 95 MARKWELL STREET KINGARROY QLD 4610
 PROPOSED VILLA # 9 - Satures(C)-OP2

LEGEND

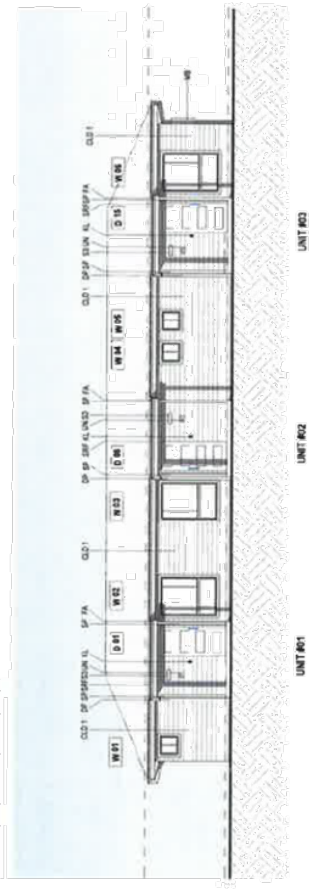
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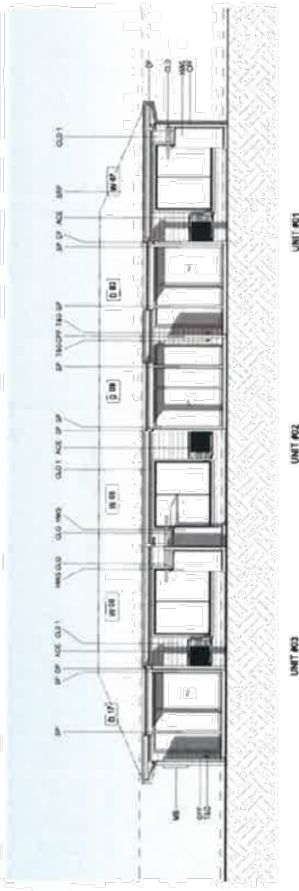
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ELEVATION 4
1:100



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3
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ELEVATIONS

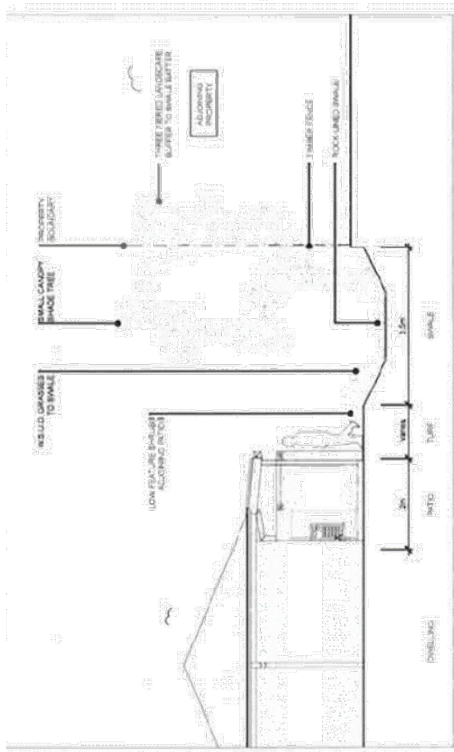
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SCALE	1:100 @ A2	DATE	2023/06/21					
SHEET	02-201	DA.R.F.I.A.						

DA.R.F.I. ISSUE NOT FOR CONSTRUCTION

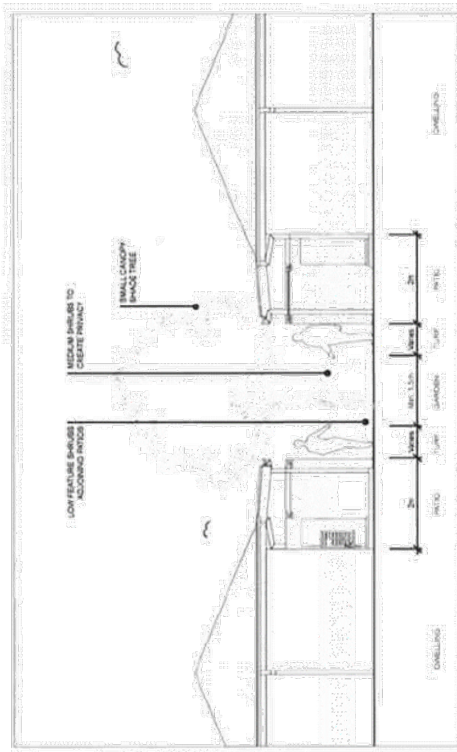
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 KINGARROY QLD 4610
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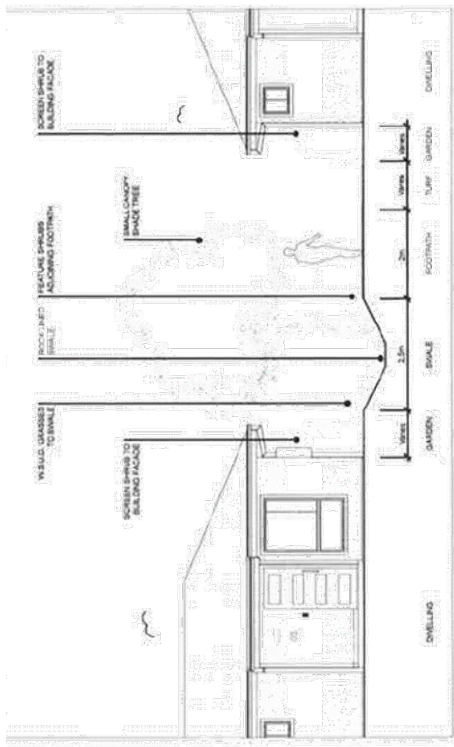
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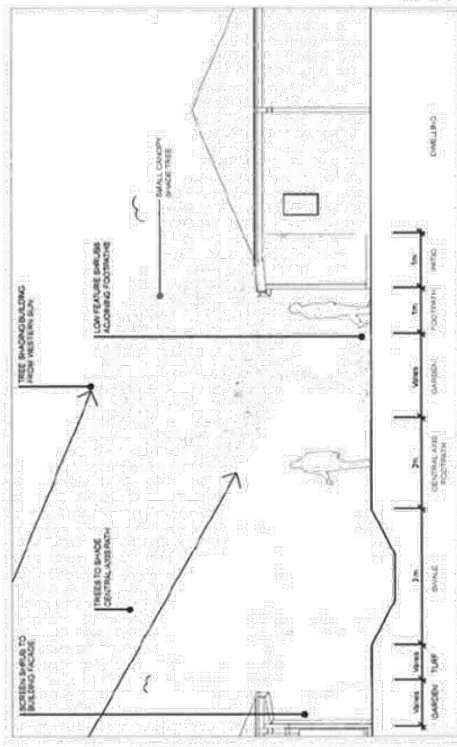
Section A-A
Scale 1:20 - Fines & Landscape Buffer to Eastern Boundary



Section C-C
Scale 1:20 - Privacy Planting between Dwellings



Section B-B
Scale 1:20 - Space to Internal Footpath



Section D-D
Scale 1:20 - Passive Planting to Western Aspect

LANDSCAPE ELEVATIONS & SECTIONS
Kingsroy Residential Community
95 Markwell Street, Kingsroy, QLD, 4610



Issue Reason
A RFI response

Date
15.06.2023

Drawing No.
1111-SD003 A



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From: WBSARA <WBSARA@dsdilgp.qld.gov.au>
Sent: Friday, 8 September 2023 1:41 PM
To: Matt Geyle; WBSARA
Cc: WBB.IDAS
Subject: RE: 2106-22883 SRA - 95 Markwell Street Kingaroy - Generally in Accordance Confirmation
Attachments: 2106-22883 SRA - 95 Markwell Street Kingaroy - Generally in Accordance Confirmation

Good Afternoon Matt,

RE: 2106-22883 SRA - 95 Markwell Street Kingaroy - Generally in Accordance Confirmation

Thank you for your e-mail of 5 September 2023 (attached).

The SARA have consulted with the Department of Transport and Main Roads (DTMR) in relation to your request.

Please be advised that SARA consider the revised proposal plan (Architectural Site Master Plans prepared by YKD Designs Design Management, Sheet 00-001, Revision L dated 28 July 2023) to be 'generally in accordance' with Condition No. 1 of the SARA Referral Agency Response issued on 23 June 2021 (SARA Reference: 2106-22883 SRA).

If you have any queries please let me know.

Kind Regards,

Peter

Peter Mulcahy
Principal Planning Officer
Planning and Development Services
Department of State Development, Infrastructure,
Local Government and Planning

Microsoft teams - meet now

P 3307 6152 E peter.mulcahy@dsdilgp.qld.gov.au
Level 1, 7 Takalvan Street, BUNDABERG QLD
4670
PO Box 979, BUNDABERG QLD 4670

statedevelopment.qld.gov.au

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0.0 MATERIAL CHANGE OF USE (LOW IMPACT INDUSTRY) AT 4 JARRAH STREET, KINGAROY (AND DESCRIBED AS LOT 7 ON RP63331). APPLICANT: MAROSKE PROPERTY TRUST C/- REVOLUTION TOWN PLANNING

File Number: MCU23/0011
Author: Planning Consultant
Authoriser: Chief Executive Officer

	SIGNATURE	DATE
COORDINATOR MANAGER		14/01/23
GM		
CEO		6-9-2023

PRECIS

Development application for Material Change of Use – Low Impact Industry over land described as Lot 7 on RP63331 and situated at 4 Jarrah Street, Kingaroy. The Applicant is Maroske Property Trust c/- Revolution Town Planning and the application reference is MCU23/0011.

SUMMARY

- Application for Development Permit for Material Change of Use for Low Impact Industry;
- The applicant seeks establish a Low Impact Industry land use, which will be undertaken within an industrial shed with a GFA of 300m² (29.6% site cover).
- Subject site located in the Low impact industry zone under the South Burnett Regional Council Planning Scheme;
- Proposal triggered code assessment as the proposal did not meet the accepted development subject to requirements provisions;
- The subject site is 1,013m² in area;
- The development application is assessed against the relevant codes of the South Burnett Regional Council Planning Scheme. Relevant codes including:
 - Low Impact Industry Zone Code
 - Services and Works Code
- The proposed development does not trigger referral to any external referral agency.
- Council issued an information request on 27 June 2023, seeking further information on matters regarding:
 - Landscaping
 - Building over Infrastructure
 - Car Parking, Service Vehicle, and Manoeuvring
- The Applicant provided a response to information request on 5 July 2023.
- Council issued a Further Advice letter on 26 July 2023, seeking additional information regarding building and infrastructure and carparking, service vehicles and manoeuvring.
- The application has been assessed and the proposal generally meets the requirements of the planning scheme and relevant codes or has been conditioned to comply (refer Attachment A – Statement of Reasons);
- Refer Attachment B – Infrastructure Charges Notice;
- Application recommended for approval subject to reasonable and relevant conditions.

OFFICER'S RECOMMENDATION

That Council approve the Development Permit for Material Change of Use for Low Impact Industry at 4 Jarrah Street, Kingaroy (Lot 7 on RP63331).

GENERAL

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

Drawing Title	Prepared by	Ref No.	Rev.	Date
Proposed site plan	Struxi Design Pty Ltd	SD-002	D	01-09-2023

- GEN2. The approved hours of operation are Monday to Saturday, 7:00am to 6:00pm. The site will be secured outside these hours with no access available.
- GEN3. Fence construction along the northern and eastern property boundary is to be solid screen fencing to a height not less than 1.8m.
- GEN4. The development herein approved may not start until the following development permits have been issued and complied with as required:
- Development Permit for Building Works; and
 - Permit for Plumbing and Drainage Works.
- GEN5. Ensure noise emissions from the use meets the standards prescribed in the Environmental Protection (Noise) Policy 2008

APPROVED USE

- GEN6. The approved development is a Material Change of Use for Low Impact Industry, as shown on the approved plans and does not imply approval for other similar uses. No outdoor industrial activities are permitted, including the storage of goods, vehicles or equipment.

COMPLIANCE, TIMING AND COSTS

- GEN7. All conditions of the approval shall be complied with before the change occurs (prior to the commencement of the use) and while the use continues, unless otherwise noted within these conditions.
- GEN8. All works, including the repair or relocation of services (Telstra, lighting) is to be completed at no cost to Council.
- GEN9. The development (including landscaping, parking, driveway and other external spaces) shall be maintained in accordance with the Approved Plans, subject to and modified conditions of this approval.
- GEN10. Maintain the site in a clean and orderly state at all times.

ENGINEERING WORKS

- ENG1. Submit to Council, an Operational Work application for all works that will become Council infrastructure and for earthworks (if applicable).
- ENG2. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to Council's endorsement of the Survey Plan unless stated otherwise.
- ENG3. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's Development Manual and Standard Drawings, relevant Australian Standards, Codes of Practice, WBBROC Regional Standards Manual and relevant design manuals.
- ENG4. 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

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

STORMWATER MANAGEMENT

- ENG7. Provide 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.
- ENG8. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).
- ENG9. 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

- ENG10. Connect the development to Council's reticulated water supply system.

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 in accordance with the *QDC MP1.4 Building over or near relevant infrastructure*.

REDUNDANT CROSSOVERS

- ENG17. 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.

VEHICLE ACCESS

- ENG18. Design and construct a crossover having a minimum width of 7 metres in accordance with IPWEA Standard Drawing RS-051. Ensure that crossover splay is designed to accommodate turning movements of a Medium Rigid Vehicle.

PARKING AND ACCESS - GENERAL

- ENG19. Design all access driveways, circulation driveways, parking aisles and car parking spaces in accordance with Australian Standard 2890.1 - Parking Facilities - Off Street Car Parking.
- ENG20. Construct all sealed areas with concrete, asphalt or a two-coat bitumen seal.
- ENG21. Provide a minimum of 6 car parking spaces including a minimum of 1 person with disability (PWD) car parking spaces.
- ENG22. Design & construct all PWD car parking spaces in accordance with AS2890.6.
- ENG23. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.
- ENG24. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.
- ENG25. Construct any new crossover in the location(s) shown on the approved plan(s) of development, amended, so that the edge of the crossover must be no closer than 1 metre to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure (eg power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc);

PARKING AND ACCESS - SERVICING

- ENG26. Ensure loading and unloading operations are conducted wholly within the site and vehicles enter and exit the site in a forward direction.

Comment: If it can be suitably demonstrated to Council that the refuse collection vehicle cannot enter and exit in the forward direction, the applicant can submit a Waste Management Plan to be endorsed by Council, which outlines the waste collection arrangements for the development. The endorsed Waste Management Plan would negate the need to comply with ENG26.

TELECOMMUNICATION

- ENG27. Provide telecommunication services to the development.

ELECTRICITY

- ENG28. Provide electricity supply to the development to comply with Ergon Energy's requirements.

EARTHWORKS - GENERAL

- ENG29. Earthworks per site involving cut or fill greater than 1 metre in height and quantity of material greater than 50m³, or earthworks involving cut or fill less than 1 metre in height requires an Operational Work application.
- ENG30. Undertake earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.

EROSION AND SEDIMENT CONTROL - GENERAL

- ENG31. 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.
- ENG32. 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.

STANDARD ADVICE

- ADV1. Section 85(1)(b) of the *Planning Act 2016* provides that, if this approval is not acted upon within a period of six (6) years the approval will lapse.
- ADV2. 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 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.
- ADV3. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards to Appeal Rights.

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

1. APPLICATION DETAILS

Site address	4 Jarrah Street, Kingaroy		
Real property description	Lot 7 on RP63331		
Easements or encumbrances on title	N/A		
Area of Site	1,013m ²		
Current Use	Vacant		
Environmental Management Register or Contaminated Land Register	No known listing.		
Applicant's name	Maroske Property Trust C/- Revolution Town Planning		
Zone	Low Impact Industry Zone Code		
Applicable Overlays	Airport Environs Overlay Agricultural Land Overlay - Important agricultural areas Agricultural land classification – Class A		
Proposed use as defined	Low impact industry		
Details of proposal	Material Change of Use (MCU's)		
	▪ Gross Floor Area (GFA)	300m ²	
	▪ Building height	5.97 metres	
	▪ Site Cover	29.6%	
	▪ Access	Via Jarrah Street	
	▪ Landscape	63m ² (6.23%)	
	▪ Number of car parks	Six (6)	
	▪ Number of units/tenancies	One (1)	
Application type	Aspects of Development	Type of Approval Requested	
		Preliminary Approval	Development Permit
	Material Change of Use (MCU)		X
	Reconfiguration of a Lot (RAL)		
	Building Work (BW)		
	Operational Work (OPW)		
Level of Assessment	Code Assessment		
Pre-lodgement Consultation history	- Not applicable.		
Key planning issues e.g. vegetation, waterway corridors, overland flow	- Not applicable.		

Referral agencies	Agency	Concurrence / Advice
	NA	NA
Public notification	N/A.	
Planning Regulation 2017	N/A.	

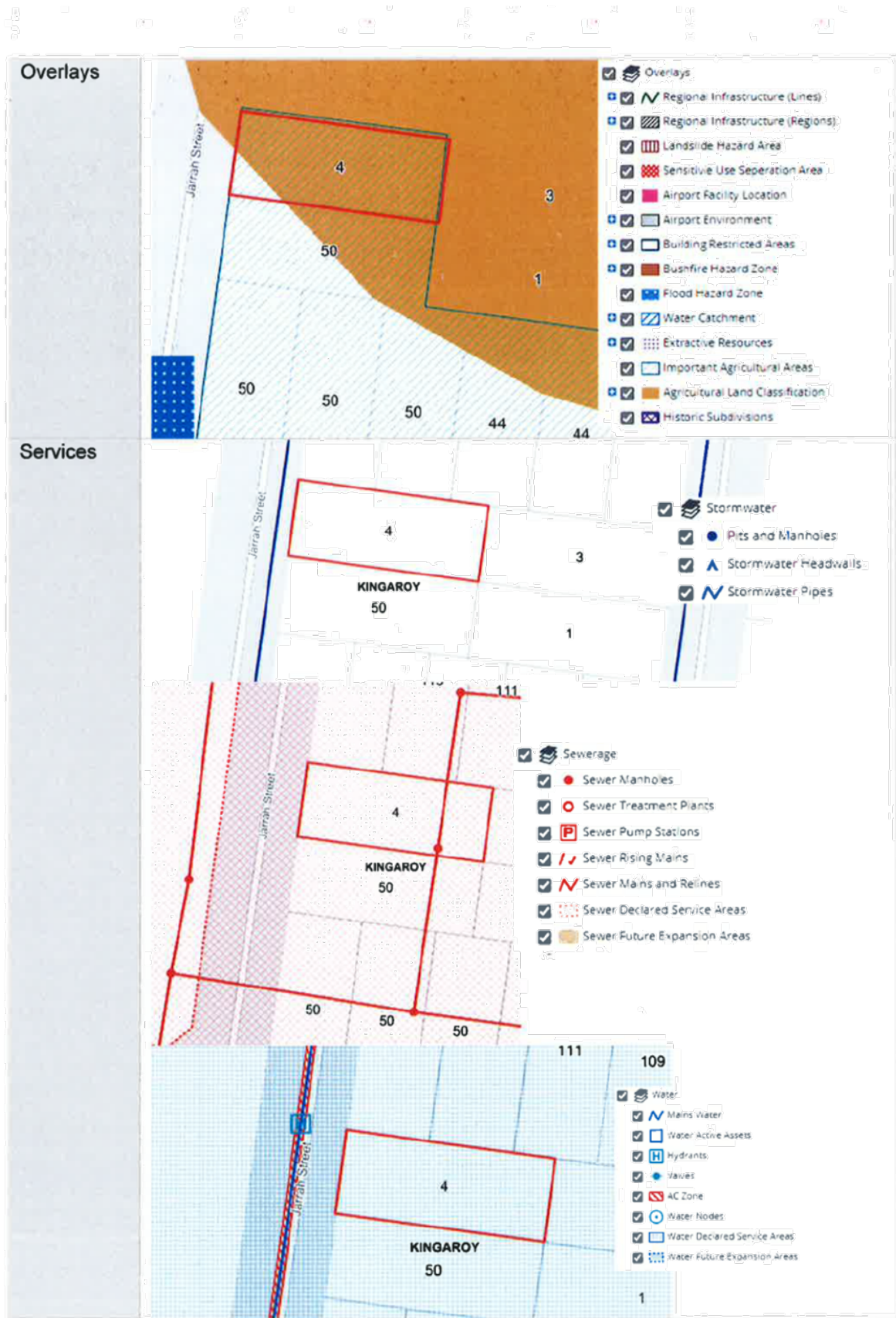
2. THE SITE

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 immediately locality.

2.1. SITE DESCRIPTION & EXISTING USE

Table 1 – Maps & Descriptions (Source: Intramaps)







3. PROPOSAL DETAILS

The proposal site plan is shown below.

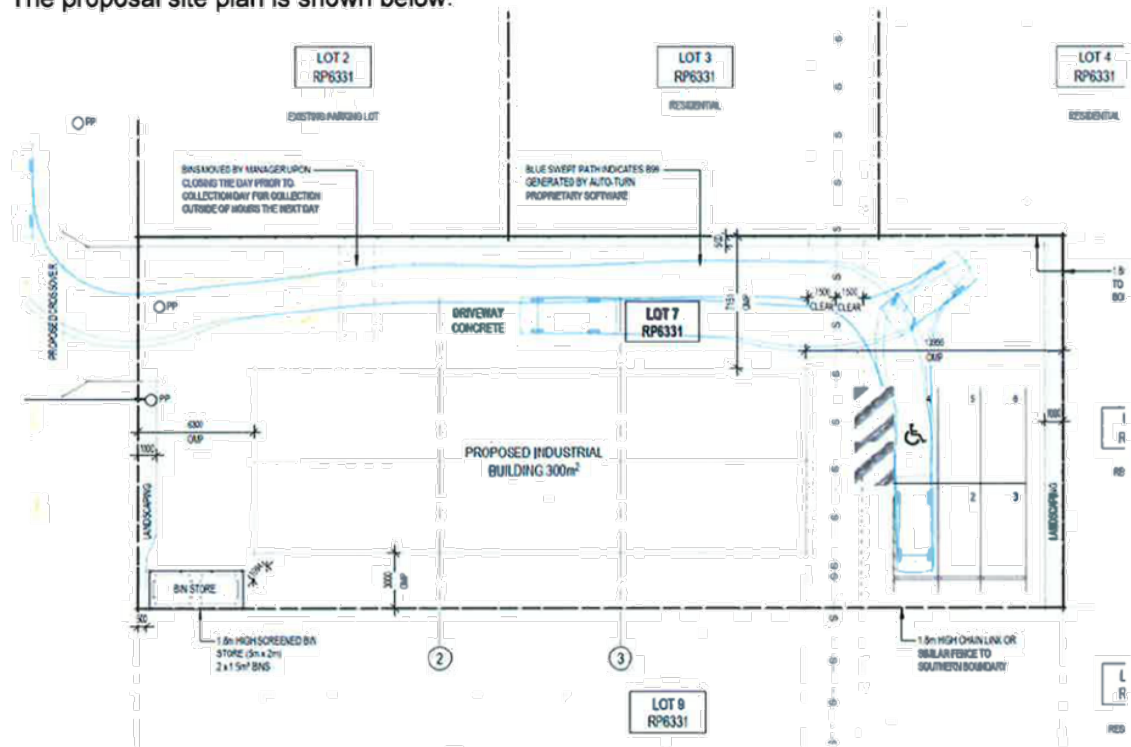


Figure 1: Proposed site layout

SUMMARY DETAILS

The proposed development seeks a Development Permit for Material Change of Use for Low Impact Industry. No specific activity or tenant has been identified however the proposal seeks to provide an industrial shed, which will have a GFA of 300m² (29.6%) and will be situated toward the southern boundary of the site. The proposed development seeks to provide landscaped areas along the northern, eastern and western (frontage) boundaries of the site.

Access to the site will be provided via a new vehicular crossover along the western boundary of the site, via Jarrah Street. As indicated on the plans, the proposed development will involve the relocation of a property pole, which currently exists where the proposed driveway is to be situated (refer to image below). Refuse storage will be provided within a 1.8m high screened area within the south-west corner of the site.

The proposed development parameters are provided below in **Table 1**.

Gross Floor Area	300m ²
Building height	5.97m
Storeys (height)	One storey
Site Cover	29.6%
Landscape	63m ² (6.3%)
Number of parking spaces	Six (6)
Access	Via Jarrah Street
Design Vehicle	MRV
Setbacks	North – 7.15m South – 3m East – 13.99m West (road frontage) – 6.3m

APPLICATION HISTORY

Confirmation Notice

A confirmation notice acknowledging the application was issued by Council on 6 June 2023.

Information Request

An Information Request was issued to the applicant on 27 June 2023. The information request sought (in summary):

1. Updated plans indicated landscaping along the side and rear boundaries with a minimum depth of two (2) metres.
2. Provide an updated plan showing the new building with sufficient setback from the sewer line.
3. Demonstrate compliance with the prescribed car parking rate for an industry land use of 1 space per 50m².

Information Request Response

On 5 July 2023, correspondence was received by Council from the applicant in response to the matters raised within the information request.

As part of the response, the applicant advised that none of the information requested was being provided as it was considered the information request was either not within the bounds of the assessment or was considered that the proposed development complies with the relevant performance outcome of the Planning Scheme Code. Further written justification was provided by the applicant in support of the proposed development.

Further Advice

Council issued a Further Advice Notice on 28 July 2023. The further advice sought additional information (in summary) on the following items:

- Revision of proposed building location to avoid building over or near Council's sewer infrastructure.
- Amended site plan demonstrating six (6) on-site carparking spaces, or additional information to justify reduced carparking and demonstrate compliance with PO6.
- General advice on the proposed site layout in relation to the existing location of a power pole which requires relocation as a result of the proposed vehicular crossover.

Response to Further Advice

On 1 September 2023, correspondence was received by Council from the applicant in response to the matters raised within the Further Advice letter. A meeting with the applicant was held on the 9 August 2023, to further discuss the matters raised within Council's letter of further advice.

In response to the matters raised regarding building over Council infrastructure and carparking requirements, the applicant provided an amended site plan to reflect Council's requested items. The proposed site plan has been amended to demonstrate a 1.5 metre clearance from the centreline of the sewer infrastructure.

Matters regarding on-site carparking requirements were addressed by the applicant through a revised site design which accommodates for a total of six (6) carparking spaces, in accordance with the minimum carparking requirements outlined within the Services and Works Code.

4. ASSESSMENT OF ASSESSMENT BENCHMARKS

Framework for AssessmentCategorising Instruments for Statutory Assessment

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

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

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

Planning Act 2016, Section 26 – Assessment Benchmarks generally

(1) For section 45(3)(a) of the Act, the code 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 code 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 local government is an infrastructure provider—the local government's LGIP.

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