

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:	Not applicable.
WBB Regional Plan Designation:	<p>Wide Bay Burnett Regional Plan 2011 – Urban Footprint</p> <p>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> <p>4.1.1 Part 8B, Division 3 – Development that requires code assessment.</p> <p>4.1.2 Schedule 6, Part 2, Section 7A – Particular material change of use involving an existing building, and</p> <p>4.1.3 Schedule 6, Part 2, Section 7B – Material change of use for home-based business in particular zones.</p> <p>The adopted instrument does not change the categories of development and assessment in the Planning Scheme v1.4</p>

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.

Note: Grey shading indicates no provisions.

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
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 Generally - State Transport Corridors and Future State Transport Corridors - State-controlled transport tunnels and future state-controlled transport tunnels	N/A N/A N/A N/A N/A N/A			N/A	N/A
10	Koala Habitat in SEQ region	N/A	N/A	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		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
13	Ports: - Brisbane Core Port Land - Within the port limits of the Port of Brisbane - Within the limits of another port - Priority Ports - 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
15	SEQ Development Area	N/A		N/A	N/A	N/A
16	SEQ Regional Landscape and Rural Production Area and Rural Living Area: - Reconfiguring a Lot - Tourist or sport and recreation activity - Community Activity - Indoor Recreation - Residential Development - Urban Activity - Combined Uses	N/A N/A N/A N/A N/A N/A 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
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	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
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 does not require referral to a Referral Agency.

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. DEVELOPMENT CODE ASSESSMENTS

Pursuant to Section 5.5, Table 5.5.7 – the level of assessment for a Material Change of Use for a Low Impact Industry use where located within the Low Impact Industry Zone is subject to Code Assessment. The relevant assessment benchmarks are:

- Low impact industry zone code; and
- Services and works code.

Low Impact Industry Zone Code

The subject site is situated within the Low Impact Industry Zone under the Planning Scheme. The purpose of the Low Impact Industry Zone is to provide for service industry and low impact industry land uses, including other uses and activities that support industry activities and do not compromise the future use of premises for industry activities. The proposed development is consistent with the intent of the relevant zone, where it seeks to provide a Low impact industry use that is anticipated within the zone.

The following table sets out an assessment of the proposal against the assessment benchmarks for the Low Impact Industry Zone Code.

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
General		
PO1 Buildings are of a scale that is consistent with the surrounding built form, streetscape and civic spaces.	<p>AO1.1 Where within 20m of a residential, rural residential or community purposes zone, maximum building height is 8.5m.</p> <p>Or</p> <p>AO1.2 In all other circumstances, maximum building height is 11.5m.</p>	Complies. The proposed development seeks a maximum building height of 5.97m.
PO2 Buildings are sited to achieve an acceptable standard of visual amenity.	<p>AO2.1 Buildings are setback from sub-arterial or higher order road frontages by a minimum of 8m.</p> <p>Or</p> <p>AO2.2 Buildings are setback from all other road frontages by a minimum of 4m.</p> <p>And</p> <p>AO2.3 Where adjoining land is used, or approved for use, for uses in the accommodation activities use group, buildings are setback a minimum of 10m from the common property boundary.</p> <p>Or</p> <p>Where adjoining land is used, or approved for use, for industrial use, buildings have no minimum setbacks to the common property boundary.</p> <p>Or</p> <p>In all other circumstances, buildings are setback a minimum of 4m from the common property boundary.</p> <p>And</p>	<p>Not applicable. The site does not have frontage to a sub-arterial or higher order road.</p> <p>Complies. The proposed development is setback from the road frontage (Jarrah Street) by 6.3 metres.</p> <p>Complies with the Performance Outcome. The subject site adjoins residential land uses to the north and east, with the proposed development achieving setbacks of approximately 7 metres and 14 metres respectively. The proposed development seeks to incorporate 1.8m fencing to minimise visual amenity impacts on adjoining residential uses. It is noted that the proposed activity is only to take place within the building, with only light vehicle manoeuvring/parking near these boundaries.</p>

	<p>AO2.4 Total use area is no more than 75% of the site, excluding car parking areas.</p>	<p>Complies. The proposal seeks a total use area of approximately 29.6%.</p>
<p>PO3 Development presents a high quality appearance when viewed from public areas.</p>	<p>AO3.1 Where adjoining land is used, or approved for use, for uses in the accommodation activities use group, the maximum length of any wall without articulation or change of material is no more than half the length of the common boundary. Or In all other circumstances, the maximum length of any wall without articulation or change of material is no more than 30m.</p> <p>And</p> <p>AO3.2 All parts of the building facades visible from an arterial or higher order road are constructed predominantly of brick or coloured concrete or masonry and do not incorporate highly reflective materials.</p> <p>And</p> <p>AO3.3 Buildings include variation in parapet design, roofing heights and treatments.</p> <p>And</p> <p>AO3.4 The main entry to the building is easily identifiable from and directly accessible from the principal street frontage of the site and any ancillary office or sales area is located at the front of the building.</p>	<p>Complies. The maximum length of walls without articulation or change is 30 metres, along the northern and southern boundary.</p> <p>Not applicable. The subject site does not adjoin an arterial road.</p> <p>Complies. The proposed building incorporates variation through the gable roof form and the three (3) door openings along the northern elevation.</p> <p>Complies. Pedestrian entry to the building is provided along the frontage of the building and at the rear, providing direct access from the carparking area. Both access points are easily identifiable from both the principle street frontage and carparking area.</p>
<p>PO4 Development is to be adequately serviced.</p>	<p>AO4.1 Development is to be connected to reticulated water supply and sewerage.</p> <p>And</p> <p>AO4.2 Development is supplied with reticulated electricity and telecommunications services.</p> <p>And</p> <p>AO4.3</p>	<p>Complies. A condition of approval has been recommended requiring connection to reticulated water.</p> <p>Complies. A condition of approval has been recommended requiring connection to electricity and telecommunications.</p> <p>Complies.</p>

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	<p>Stormwater is captured and drained to a lawful point of discharge or to downstream properties but only with the consent of the affected landowners.</p>	<p>The proposal seeks to utilise existing stormwater management for the proposed development. All stormwater runoff from the roofed areas and sealed areas will be directed to pits and discharged to the kerb and channel via kerb adaptors adjacent to the site.</p>
<p>PO5 Landscaping is provided to enhance the established streetscape, protect visual amenity, preserve sight lines and offer effective screening of unsightly activities.</p>	<p>AO5.1 A minimum of 3% of the site is used to provide landscaping.</p> <p>And</p> <p>AO5.2 Landscaping comprising large trees and spreading groundcovers is provided along all road frontages of the site, for a minimum depth of: (a) 2m along a State-controlled Road or an arterial road; or (b) 1m along any other road frontage.</p> <p>And</p> <p>AO5.3 Landscaping is provided to side and rear boundaries for a minimum depth of: (a) 2m where adjoining a sensitive receptor; (b) 0m where adjoining an industrial use; or (c) 1m in all other circumstances.</p> <p>And</p> <p>AO5.4 Existing trees that already contribute to these requirements are retained where their removal is not required to site the use.</p> <p>And</p> <p>AO5.5 Shade trees are provided in car parking areas at a ratio of 1 tree for each 6 car parking spaces.</p>	<p>Complies. The proposed development seeks to provide 63m² (6.2%) of landscaping on the site.</p> <p>Complies. The proposal provides a 1 metre wide landscaping strip along the road frontage (excluding vehicle manoeuvring areas).</p> <p>Complies with the Performance Outcome. The proposed development achieves a 0.5m wide landscaped area along the northern boundary , and 1 metre-wide landscaping strip along the eastern boundary, where adjoining residential uses. Whilst the proposal is unable to meet prescribed landscaping requirements, the proposal seeks to provide a 1.8 metre high timber fence along boundaries adjoining residential uses to mitigate any visual amenity impacts from the proposed operations.</p> <p>Not applicable. There are no existing trees on the site that require removal.</p> <p>Complies. A total of six (6) carparking spaces are provided as part of the proposal. The proposed carparking area directly adjoins a landscaping area along the eastern boundary, which can accommodate smaller shade trees.</p>
<p>PO6 Site access facilitates the efficient, effective, safe and convenient functioning of transport infrastructure.</p>	<p>AO6.1 Site access is provided to a gazetted, formed and sealed road.</p> <p>And</p>	<p>Complies. The proposal seeks access via Jarrah Street, which is a formed and sealed road.</p>

	<p>A06.2 Access arrangements preclude the need for vehicles to reverse on or off the site.</p> <p>And</p> <p>A06.3 Site access is provided that is at least 15m from an uncontrolled intersection or 30m from an intersection with traffic lights or islands.</p> <p>And</p> <p>A06.4 Where practical, adjoining industrial uses utilise a shared access point.</p>	<p>Complies. A condition of approval has been recommended to prevent vehicles reversing on or off the site.</p> <p>Complies. Access is provided at a distance greater than 50 metres from both Haly Street and Alford Street East.</p> <p>Not applicable. The proposed development does not require shared access with any adjoining industrial uses.</p>
<p>PO7 Development does not adversely affect the safety and security of people and property.</p>	<p>A07.1 Storage of dangerous goods and combustible liquids is limited to Classes 1.2-1.6, 2.2, 3 and 5.1 items of the <i>Australian Code for the Transport of Dangerous Goods by Road and Rail</i> in amounts not exceeding 50 kilograms or litres and stored internally or under cover.</p> <p>And</p> <p>A07.2 Visitor car parking areas are located adjacent to the office component of the use.</p> <p>And</p> <p>A07.3 The office component is designed with 25% of unobscured glazing in facades facing public areas of the site and the street.</p>	<p>Not applicable No storage of dangerous goods is proposed.</p> <p>Complies. Whilst the proposed development does not seek an office component, it is noted that all vehicle parking (staff & visitor) is situated adjacent to the proposed building.</p> <p>Not applicable. There is no office component proposed as part of the development.</p>
<p>PO8 Development minimises disturbance to the geotechnical, hydrological, and environmental characteristics of the site and its setting.</p>	<p>A08.1 Development is located on land with less than 10% slope.</p> <p>And</p> <p>A08.2 Development occurs in areas outside of stormwater discharge points, overland flow paths and natural drainage features.</p> <p>And</p> <p>A08.3 Stormwater is directed away from areas of potential contamination.</p>	<p>Complies. The subject site is relatively flat.</p> <p>Complies. The proposed development is situated outside of stormwater discharge points, overland flow paths and natural drainage features.</p> <p>Complies.</p>

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	<p>And</p> <p>AO8.4 Areas where potentially contaminating substances are stored or used are covered and banded.</p> <p>And</p> <p>AO8.5 Provision is made for spills to be controlled on-site for removal and disposal by an approved means.</p> <p>And</p> <p>AO8.6 Liquid or solid wastes are not discharged directly to land or waters.</p>	<p>There are no known or listed contaminations on the subject site.</p> <p>Not applicable. There are no known or listed contaminations on the subject site.</p> <p>Not applicable. There is no known use of the site which would result in spills.</p> <p>Not applicable. There is no known use of the site which would result in liquid or solid wastes being discharged.</p>
<p>PO9 Refuse storage areas are located for convenient collection, screened from public view and provided with facilities for self-contained cleaning.</p>	<p>AO9.1 Refuse storage areas are located behind the front building line, allow the appropriately-sized collection vehicle to enter and exit in a forward gear. The use of staff car parking areas to accommodate internal manoeuvring is permissible.</p> <p>And</p> <p>AO9.2 The refuse storage area is provided in a building or other enclosed structure screened to a minimum height of 0.2m above the height of the refuse receptacles.</p> <p>And</p> <p>AO9.3 Refuse storage areas are provided with an impervious base that is drained to an approved waste disposal system and provided within a dedicated hose cock.</p>	<p>Performance outcome sought. Refuse storage is proposed forward of the front building line, within the south-west corner of the site in a screened enclosure. The proposed position of the refuse storage area is sought to minimise impact on adjoining residential land uses to the north and east of the site. To ensure an appropriately sized collection vehicle can enter and exit the site appropriately, bins will be moved upon closing the day prior to collection day to the main vehicle circulation area along the northern boundary of the site.</p> <p>Complies. Refuse storage is proposed within a 1.8m high screened storage area within the south-western corner of the site.</p> <p>Complies. Refuse storage is provided on a concrete hardstand area on the site.</p>
<p>PO10 Development is located and designed to ensure that land uses are not exposed to:</p>	<p>AO10.1 Development does not occur: (a) In areas that pose a health risk from previous activities; and</p>	<p>Not applicable. There are no known or listed contaminations on the subject site that could pose a health risk due to contaminated soils.</p>

<p>(a) Areas that pose a health risk from previous activities; and (b) Unacceptable levels of contaminants.</p>	<p>(b) On sites listed on the Contaminated Land Register or Environmental Management Register.</p> <p>Or</p> <p>AO10.2 Areas that pose a health risk from previous activities and contaminated soils which are subject to development are remediated prior to plan sealing, operational works permit, or issuing of building works permit.</p>	
<p>Section 2 Where adjoining or opposite a sensitive receptor</p>		
<p>PO11 The operation of the development does not adversely impact on the amenity of any nearby residential or other sensitive land use (as defined in the Regulation).</p>	<p>AO11.1 Outdoor lighting is designed, installed and maintained in accordance with AS4282 – Control of the Obtrusive Effects of Outdoor Lighting.</p> <p>And</p> <p>AO11.2 Noise emission from the use meets the standards prescribed in the Environmental Protection (Noise) Policy 2008.</p> <p>And</p> <p>AO11.3 New plant, equipment and service areas are located no less than 2m from the landscape buffer required by AO5.3 of this Code or are housed in the building.</p> <p>And</p> <p>AO11.4 Outdoor activities and heavy vehicle movements are restricted to between 7am to 7pm Monday to Saturday.</p> <p>And</p> <p>AO11.5 Indoor activities occurring between 7pm and 7am or on Sundays are limited to office and administrative tasks or are not audible or visible from outside the building.</p> <p>And</p> <p>AO11.6 All on-site manoeuvring areas are sealed.</p>	<p>Not Applicable No outdoor lighting has been proposed.</p> <p>Complies A condition has been recommended limiting noise emissions from the site.</p> <p>Complies. No new plant, equipment or service areas are proposed near the boundaries with nearby residential uses.</p> <p>Complies. The proposed development will operate between the hours of 7:00am to 6:00pm, Monday to Saturday.</p> <p>Not applicable. The proposal does not seek to operate indoor activities between 7:00pm and 7:00am.</p> <p>Complies. All on-site manoeuvring areas proposed area located on the sealed concrete hardstand area.</p>

	<p>And</p> <p>AO11.7 No building openings occur in walls facing a common boundary shared with a residential activity.</p> <p>And</p> <p>AO11.8 Where the site is on the opposite side of the road to a public park or residential zone, all on-site activity, open storage and servicing is located at the rear of the building. Or The full length of the property boundary, excluding site access, between external storage areas and road frontages, public parks or residential zones are provided with a 1.8m high screen fence. The screen fence includes a 5m return along any side boundary.</p> <p>And</p> <p>AO11.9 Where the site has a common boundary with a sensitive receptor, effective acoustic screening is provided to all areas where work could be conducted outside the building, including refuse collection.</p>	<p>Performance outcome sought. The proposed building design seeks three (3) openings along the northern boundary, facing the common boundary shared by residential land uses. The proposed building layout and location has been sought in order to minimise visual and amenity impact on adjoining residential land uses to the north and east.</p> <p>To mitigate any amenity impacts from the proposed operations, the proposal seeks to provide landscaping and fencing along the northern and eastern boundary, in conjunction with an appropriate building setback. The proposed land use will be conducted wholly indoors. It is noted that the existing use of the site was of a similar nature and scale to that proposed.</p> <p>Not applicable. Land uses on the opposite side of the road are non-residential.</p> <p>Not applicable. The proposal does not include outdoor activities,</p>
Section 3 Non-industrial uses		Not applicable.
Section 4 Caretaker's accommodation		Not applicable.
Section 5 For development affected by one or more overlays		
Airport environs		
<p>PO16 Development does not significantly increase the risk of wildlife hazard particularly flying</p>	<p>AO16.1 Development located within 3 km of an airport runway as depicted on Overlay Map 01 does not include</p>	<p>Complies. The proposed development does not involve a turf farm, fruit tree farms, piggeries, show grounds,</p>

vertebrates, such as birds and bats, intruding within an airport operational airspace.	turf farms, fruit tree farms, piggeries, show grounds, food processing plants or food, organic waste or putrescible waste facilities. And AO16.2 Development located between 3 km and 8 km of an airport runway as depicted on Overlay Map 01 for turf farms, fruit tree farms, piggeries, show grounds, food processing plants, food, organic waste or putrescible waste facilities, dairy or poultry farms, outdoor sport and recreation or sewage treatment facilities ensures potential food or waste sources are covered and collected so that they are not accessible to wildlife.	food processing plants or food, organic waste or putrescible waste facilities. Not applicable. The proposed development does not involve a turf farm, fruit tree farm, piggeries, show ground, food processing plants or food, organic waste or putrescible waste facilities.
Biodiversity overlay	Not applicable.	
Bushfire hazard overlay	Not applicable.	
Flood hazard overlay	Not applicable.	
Regional infrastructure overlay	Not applicable.	

Summary of Compliance with Low Impact Industry Zone Code:

The proposed development generally complies with the Low impact industry zone code, achieving a land use of a scale and nature that is anticipated within the relevant zone. There is a performance outcome in relation to the siting and building layout with respect to adjoining sensitive receptors to the north and east of the site. Under the circumstances that the proposed land use is of a similar nature and scale to that previously operated on the site, and where limited by the recommended conditions, it is unlikely that the proposed use will have detrimental impact on the adjoining residential land uses.

The proposed layout with openings toward the northern boundary ultimately achieves a better outcome with respect to amenity and acoustic impact to that if the building was to be situated along the northern boundary. The combination of appropriate setback distances, fencing and landscaping treatment along the northern and eastern boundaries of the site, the proposed industrial land use is unlikely to have any significant impact on the surrounding residential amenity.

Services and Works Code

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
General		
PO1 The development is planned and designed considering the land use constraints of the site for achieving stormwater design objectives.	AO1.1 A stormwater quality management plan provides for achievable stormwater quality treatment measures that meet the design objectives identified in Table 9.4.4.	Complies with the Performance Outcome. A stormwater quality management plan was not submitted in support of the proposed development. The proposal seeks to utilise existing stormwater

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
		management for the proposed development. All stormwater runoff from the roofed areas and sealed areas will be directed to pits and discharged to the kerb and channel via kerb adaptors adjacent to the site.
<p>PO2 Development does not discharge wastewater to a waterway or off-site unless demonstrated to be best practice environmental management for that site.</p>	<p>AO2.1 A wastewater management plan prepared by a suitably qualified person and addresses:</p> <ul style="list-style-type: none"> (a) wastewater type; (b) climatic conditions; (c) water quality objectives; (d) best-practice environmental management; <p>and</p> <p>AO2.2 Wastewater is managed in accordance with a waste management hierarchy that:</p> <ul style="list-style-type: none"> (a) avoids wastewater discharge to waterways; or (b) minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and groundwater 	<p>Complies. The proposed development will not involve discharging wastewater to a waterway or off-site.</p>
<p>PO3 Construction activities avoid or minimise adverse impacts on stormwater quality.</p>	<p>AO3.1 An erosion and sediment control plan addresses the design objectives for the construction phase in Table 9.4.4</p>	<p>Not applicable. There are no extensive construction activities proposed as part of the development. Basic erosion control measures can be conditioned for construction of the proposed development.</p>
<p>PO4 Operational activities avoid or minimise changes to waterway hydrology from adverse impacts of altered stormwater quality and flow.</p>	<p>AO4.1 Development incorporates stormwater flow control measures to achieve the design objectives for the postconstruction phase in Table 9.4.4.</p>	<p>Complies. Existing stormwater management will be utilised for the proposed development. All stormwater runoff from the roofed areas and sealed areas will be directed to pits and discharged to the kerb and channel via kerb adaptors adjacent to the site.</p>
<p>Section 2 Infrastructure</p>		
<p>PO5 Development is provided with infrastructure which:</p> <ul style="list-style-type: none"> (a) conforms with industry standards for quality; (b) is reliable and service failures are minimised; <p>and</p>	<p>AO5.1 Except in the Rural zone, all development occurs on a site with frontage to a sealed road.</p> <p>and</p>	<p>Complies. The proposed development has direct frontage to Jarrah Street, which is a sealed road.</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
(c) is functional and readily augmented.	AO5.2 Infrastructure is designed and constructed in accordance with the standards contained in PSP1 – Design and Construction Standards.	
Part 3 Vehicle Parking		
PO6 Vehicle parking and access is provided to meet the needs of occupants, employees, visitors and other users.	<p>AO6.1 Vehicle parking spaces are provided on-site in accordance with Table 9.4.5.</p> <p>And</p> <p>AO6.2 A service bay is provided on-site for the service vehicle nominated in Table 9.4.5.</p> <p>and</p> <p>AO6.3 Driveway crossings are provided to the standard contained in PSP1 – Design and Construction Standards.</p> <p>and</p> <p>AO6.4 Vehicle parking and manoeuvring areas are provided in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>	<p>Complies. In accordance with Table 9.4.5 of the Services and Works Code, the proposed development seeks to provide a total of six (6) car parking spaces.</p> <p>Complies A service bay is available adjacent to the proposed building.</p> <p>Complies. A 6.65 metre wide crossover is provided to Jarrah Street, in accordance with the standard contained in PSP1 – Design and Construction Standards.</p> <p>Complies. The proposed development achieves tandem carparking areas on-site, in order to facilitate additional carparking spaces in accordance with Council's request. Carparking spaces and manoeuvring areas will be designed in accordance with the standards contained in PSP1 – Design and construction standards.</p>
Section 4 Landscaping		
PO7 Landscaping is appropriate to the setting and enhances local character and amenity.	<p>AO7.1 Landscaping is provided in accordance with the relevant zone code provisions.</p> <p>And</p> <p>AO7.2 Where shade tree planting is required in vehicle parking areas each planting bed has a minimum area of 2m² and is unsealed and permeable.</p> <p>And</p> <p>AO7.3 Plantings along frontages or boundaries are in the form of</p>	<p>Complies. The proposed development seeks to provide 63m² (6.2%) of landscaping on the site, in accordance with the requirements of the Low impact industry zone code.</p> <p>Complies. The proposed development seeks to provide a one (1) metre wide landscaping strip adjoining the proposed carparking area. Appropriate planting can be incorporated to provide shading for carparking areas.</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
	<p>defined gardens with three tier planting comprised of groundcovers, shrubs (understorey), and trees (canopy) and provided with a drip irrigation system, mulching and border barriers.</p>	<p>Complies with the Performance Outcome a 1m width of landscape planting is proposed along the frontage which will act as an adequate buffer to the street given the existing industrial setting.</p>
<p>PO8 Plant species avoid adverse impacts on the natural and built environment, infrastructure and the safety of road networks.</p>	<p>AO8.1 Landscaping utilises plant species that are appropriate for the location and intended purpose of the landscaping.</p> <p>and</p> <p>AO8.2 Species selection avoids non-invasive plants.</p> <p>Editor's Note. Guidance on plant selection is provided in Branching Out - Your Handy Guide to tree Planting in the South Burnett available from Council.</p>	<p>Complies with the Performance Outcome a 1m width of landscape planting is proposed along the frontage which will act as an adequate buffer to the street given the existing industrial setting.</p>
<p>PO9 Development results in ground levels that retain: (a) access to natural light; (b) aesthetic amenity; (c) privacy; and (d) safety.</p>	<p>AO9.1 The depth of: (a) fill is less than 2m above ground level; or (b) excavation is less than 2m below ground level.</p> <p>and</p> <p>AO9.2 The toe of the fill, or top of the excavation is not less than 0.5m inside the site property boundary.</p> <p>and</p> <p>AO9.3 Works do not occur on slopes over 15% in grade.</p> <p>and</p> <p>AO9.4 Retaining walls over 1m in height are terraced 1.5m for every 1m in height and landscaped.</p> <p>and</p> <p>AO9.5 Batter slopes are not steeper than 25% and are grassed and terraced 1.5m for every 1m in height.</p> <p>and</p> <p>AO9.6 Filling or excavation for the purpose or retention of water:</p> <p>(a) is certified by an RPEQ engineer to safely withstand the hydraulic loading;</p> <p>(b) directs overflow such that no scour damage or</p>	<p>Not Applicable. No significant cut/fill is proposed. Any cut or fill to provide vehicle crossovers and building pads will comply with these requirements.</p>

Ordinary Council Meeting Agenda

25 December 2030

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
	nuisance occurs on adjoining lots.	
PO10 Filling or excavation does not cause damage to public utilities.	AO10.1 Filling or excavation does not occur within 2m horizontally of any part of an underground water supply, sewerage, stormwater, electricity or telecommunications system.	Not Applicable. No filling or excavation works are proposed as part of this development application.
PO11 Filling and excavation avoids water ponding on the premises or nearby premises that will adversely impact on the health of the community.	AO11.1 Following filling or excavation: (a) The premises: (i) Are self-draining; and, (ii) Has a minimum slope of 0.25%; and (b) Surface water flow is: (i) Directed away from neighbouring properties; or (ii) Discharged into a stormwater drainage system designed and constructed in accordance with AS3500 section 3.2	Not Applicable. No filling or excavation works are proposed as part of this development application.

Summary of Compliance with Services and Works Code:

The proposed development complies with the Services and Works Code. Infrastructure and services for the proposed development will meet the standards and requirements to appropriate service an industrial use. There is a performance outcome in relation to stormwater, where a stormwater management plan was not submitted in support of the development application. All stormwater flow will be appropriately managed on-site, with runoff from the building and hardstand area to be directed to pits and discharged to the kerb and channel via kerb adaptors adjacent to the site on Jarrah Street. There are no substantial earthworks proposed. There is also a performance outcome in relation to landscaping. In light of the industrial setting the proposed landscaping is considered adequate.

5. CONSULTATION**Referral Agencies**

State Assessment and Referral Agency	N/A
Other	N/A

Council Referrals

<i>INTERNAL REFERRAL SPECIALIST</i>	<i>REFERRAL / RESPONSE</i>
Development Engineer	Council's Development Engineer provided comments in relation to Infrastructure Charges 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

That Council approve the Development Permit for Material Change of Use for Low Impact Industry at 4 Jarrah Street, Kingaroy (Lot 7 on RP6331) – Applicant – Maroske Property Trust c/- Revolution Town Planning.

Ground to support the development –

- The land use for Low impact industry is anticipated in the Low impact industry zone.
- The amenity impacts of the proposed development are minimal and manageable and not unacceptable within the Low impact industry zone code. Impacts on adjoining residential land uses are mitigated through design elements and conditions of approval.
- The site is designed to provide appropriate on-site carparking numbers and servicing.
- Services are able to be managed by way of Condition.

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

ATTACHMENTS

1. **Attachment A - Statement of Reasons**
2. **Attachment B - Infrastructure Charges Notice**
3. **Attachment C - Approved Plans**

NOTICE ABOUT DECISION – STATEMENT OF REASONS

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

Applicant:	Maroske Property Trust C/- Revolution Town Planning
Application No:	MCU23/0011
Proposal:	Material Change of Use for Low Impact Industry
Street Address:	4 Jarrah Street, Kingaroy
RP Description:	Lot 7 on RP63331
Assessment Type:	Code Assessable
Number of Submissions:	N/A

On 14 September 2023 the above development was recommended for:

- Approval
 Refusal

1. Reasons for the Decision

The reasons for this decision are:

- The land use for Low impact industry is anticipated in the Low impact industry zone.
- The amenity impacts of the proposed development are minimal and manageable and not unacceptable within the Low impact industry zone code. Impacts on adjoining residential land uses are mitigated through design elements and conditions of approval.
- The site is designed to provide appropriate on-site carparking numbers and servicing.
- Services are able to be managed by way of Condition.

2. Assessment Benchmarks

The following are the benchmarks applicable to this development:

- Low impact industry zone code
- Services and works code

3. Compliance with Benchmarks

The development was assessed against all 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:	Maroske Property Trust Revolution Town Planning PO Box 1978 TOOWOOMBA QLD 4350	
APPLICATION:	Material Change of Use (Low impact industry) - Code assessment	
DATE:	13/09/2023	
FILE REFERENCE:	MCU23/0011	
AMOUNT OF THE LEVIED CHARGE: <i>(Details of how these charges were calculated are shown overleaf)</i>	\$6,212.00	Total
	\$2,520.00	Water Supply Network
	\$1,400.00	Sewerage Network
	\$1,120.00	Transport Network
	\$0.00	Parks and Land for Community Facilities Network
	\$1,172.00	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 7 on RP63331	
SITE ADDRESS:	4 Jarrah 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
Other Industry (Low Impact)	300	m ² GFA	\$18.00	CR Table 2.2	\$5,400.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Previous lawful use (Existing Industrial Building)	160	m ² GFA	\$18.00	CR Table 2.2	\$2,880.00

Sewerage

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Other Industry (Low Impact)	300	m ² GFA	\$10.00	CR Table 2.2	\$3,000.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Previous lawful use (Existing Industrial Building)	160	m ² GFA	\$10.00	CR Table 2.2	\$1,600.00

Transport

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Other Industry (Low Impact)	300	m ² GFA	\$8.00	CR Table 2.2	\$2,400.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Previous lawful use (Existing Industrial Building)	160	m ² GFA	\$8.00	CR Table 2.2	\$1,280.00

Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Other Industry (Low Impact)	300	m ² GFA	\$0.00	CR Table 2.2	\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Previous lawful use (Existing Industrial Building)	160	m ² GFA	\$0.00	CR Table 2.2	\$0.00

Stormwater

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Other Industry (Low Impact)	949	m ² impervious	\$2.00	CR Table 2.2	\$1,898.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Previous lawful use (Existing Industrial Building)	363 (measured from aerial imagery)	m ² impervious	\$2.00	CR Table 2.2	\$726.00

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Other Industry (Low Impact)	\$2,520.00	\$1,400.00	\$1,120.00	\$0.00	\$1,172.00	\$6,212.00
Total	\$2,520.00	\$1,400.00	\$1,120.00	\$0.00	\$1,172.00	\$6,212.00

* 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

Table with multiple columns and rows, containing various data points and text. The content is extremely faint and largely illegible.

Delegated Authority

Date

0.0 MATERIAL CHANGE OF USE (8 X MULTI DWELLING UNITS) AT 40 & 42 MARKWELL STREET, KINGAROY (AND DESCRIBED AS LOTS 107 & 108 ON RP7914). APPLICANT: STEPHEN SAUNDERS

File Number: MCU23/0012
Author: Administration
Authoriser: Chief Executive Officer

	SIGNATURE	DATE
coordinator development services MANAGER	[Redacted]	10/09/23
GM	[Redacted]	12/9/23
CEO	[Redacted]	12.9.2023

PRECIS

Material Change of Use (8 x Multi Dwelling Units) at 40 & 42 Markwell Street, Kingaroy (and described as Lots 107 & 108 on RP7914). Applicant: Stephen Saunders

SUMMARY

- Material Change of Use application for use of the site as Multiple Dwelling at 40-42 Markwell St Kingaroy (and described as Lots 107 and 108 on RP7914).
- The proposal seeks a standalone development permit for a Multiple Dwelling (8 Units) described as follows:
 - 3 x 2 Bedroom Units (new).
 - 2 x 3 Bedroom Units (existing).
 - 2 x 2 Bedroom Units (existing).
 - 1 x Class 1a dwelling (existing).
- For purposes of calculating ICN credits should be considered for those dwellings that exist where circumstances permit (assuming all outstanding costs have been paid to Council).
- Based on available information, this proposal appears to override previous development permit(s) for multiple dwelling (SBRC ref MCU22/0027) involving 4 dwellings on Lot 107.
- Subject site located in the Medium Density Residential Zone under the South Burnett Regional Council Planning Scheme;
- Proposal triggered code assessment pursuant to table 5.5.2 of the South Burnett Regional Council Planning Scheme;
- The development application is assessed against the relevant code of the South Burnett Regional Council Planning Scheme. Relevant codes including:
 - Medium Density Residential Zone Code
 - Services and Works Code
- Referral agency triggers were checked, it was determined that referral was not required.
- Council issued an Information Request on 27 June 2023 which was responded to by the Applicant on 24 July 2023.
- Final assessment determined the proposal is highly compliant with the SBRC Planning Scheme's assessment benchmarks (mostly Acceptable Outcomes, some minor Performance Outcome considerations).
- Notwithstanding the high level of compliance, the applicant was duly notified that incremental lodgement of permits for the multiple dwelling projects could cause conflicts between each permit as applied to the development.
- Applicant's information request response confirmed the intent to remove conflicts between this proposal and the application MCU23/0009 (not yet decided) involving Lots 106 & 107.
- It was determined that this application (MCU23/0012) can proceed based on the merits as assessed by Council and based on the following:
 - It is incumbent on the applicant to address matters of conflict between approvals prior to commencement of use.
 - Plans and elevations for unit types are referred to in the 'Assessment Manager Conditions'.
 - Further submission of plans showing the existing house (as unit 8) must be submitted for Council's records.
 - Conditions & advice must be imposed provided to ensure that in the event of any potential change to the development works do not constitute a development offence pursuant to s163 of the Planning Act 2016 (or other Act in effect at the time).
- This application meets the requirements of the planning scheme and relevant codes or is conditioned to comply (refer to Attachment A – Statement of Reasons);

Delegated Authority

Date

- Refer to Attachment B – Infrastructure Charges Notice;
- Application recommended for approval subject to reasonable and relevant conditions.

OFFICER'S RECOMMENDATION

The application for Multiple Dwelling is approved subject to reasonable and relevant conditions as outlined below.

GENERAL

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

Drawing title	Prepared by	Reference No	Rev	Date
Site Plan	Blue Print	23-3304-SPY sheet 1	-	19/07/2023
Unit Type A Floor Plan	Blue Print	22-3166-SPY sheet 2	-	28/04/2023
Elevation Type A (south, east, north, west).	Blue Print	22-3166-SPY sheet 3	-	28/04/2023
View Type A (south-eastern & south-western).	Blue Print	22-3166-SPY sheet 4	-	28/04/2023
View Type A (north-eastern & north-western).	Blue Print	22-3166-SPY sheet 5	-	28/04/2023
Unit Type B Floor Plan	Blue Print	22-3166-SPY sheet 6	-	28/04/2023
Elevation Type B (south, east, north, west).	Blue Print	22-3166-SPY sheet 7	-	28/04/2023
View Type B (south-eastern & south-western).	Blue Print	22-3166-SPY sheet 8	-	28/04/2023
View Type B (north-eastern & north-western).	Blue Print	22-3166-SPY sheet 9	-	28/04/2023
Unit Type C Floor Plan	Blue Print	22-3166-SPY sheet 10	-	28/04/2023
Elevation Type C (south, east, north, west).	Blue Print	22-3166-SPY sheet 11	-	28/04/2023
View Type C (south-eastern & south-western).	Blue Print	22-3166-SPY sheet 12	-	28/04/2023
View Type C (north-eastern & north-western).	Blue Print	22-3166-SPY sheet 13	-	28/04/2023
Unit Type D Floor Plan (as amended in red)	Blue Print	22-3166-SPY sheet 14	-	28/04/2023
Elevation Type D (south, east, north, west).	Blue Print	22-3166-SPY sheet 15	-	28/04/2023
View Type D (south-eastern & south-western).	Blue Print	22-3166-SPY sheet 16	-	28/04/2023
View Type D (north-eastern & north-western).	Blue Print	22-3166-SPY sheet 17	-	28/04/2023
Stormwater Management Report and addendum to the SWMR (via email from TSA Engineers Pty Ltd) dated 24 July 2023	TSA Engineering & Design	QU-0406-01	-	22/06/2023

AMENDMENTS: Refer to Unit Type D Floor Plan (marked up in Red).

Delegated Authority	Date
<p>GEN2. The development herein approved may not commence until the following development permits have been issued and complied with as required:</p> <ul style="list-style-type: none"> • Development Permit for Building Works; and • Permit for Plumbing and Drainage. <p>Timing: As indicated</p>	
<p>GEN3. Any new earthworks or structures are not to concentrate or impede the natural flow of water across property boundaries and onto any other lots.</p>	
<p>GEN4. Dust prevention measures must be undertaken to ensure that dust does not cause a nuisance to occupiers of adjacent properties.</p>	
APPROVED USE	
<p>GEN5. The approved development is a material change of use for Multiple Dwelling (8 Units), as shown on the approved plans referred to in this decision and does not imply approval for other similar uses (e.g. Short-term Accommodation).</p> <p>Timing: At all times.</p>	
<p>GEN6. For the purposes of this approval, unit 8 must not exceed the footprint as per that scaled on the approved <i>Site Plan 23-3304-SPY sheet 1 dated 19 July 2023</i>. Amendments to Unit 8 will constitute a change to this approval.</p> <p>Timing: At all times.</p>	
COMPLIANCE TIMING AND COSTS	
<p>GEN7. All conditions of the approval shall be complied with before the approval occurs (prior to commencement of the use) and while the use continues unless otherwise specified within these conditions.</p> <p>Timing: As indicated.</p>	
<p>GEN8. Submit for Council's records a revised Floor Plan for Unit Type D showing a consistent orientation with that expressed on approved '<i>Site Plan 23-3304-SPY sheet 1 dated 19 July 2023</i>'.</p> <p>Timing: Prior to survey plan sealing/endorsement, approval of a community management statement, issue of a certificate of classification (which ever comes first).</p>	
<p>GEN9. Submit for Council's records a set of drawings prepared by a suitably qualified person for the approved unit 8 (existing single storey dwelling) ensuring at least the following details are included:</p> <ul style="list-style-type: none"> • Floor plate detailing all internal living and other areas. • 8m³ storage space. • Private open space/recreation areas. • Car park • Clothes drying area. <p>Timing: Prior to survey plan sealing/endorsement, approval of a community management statement, issue of a certificate of classification (whichever comes first).</p>	
<p>GEN10. Existing access crossover to unit 8 is to service must be retained for unit 8 only.</p> <p>Timing: At all times</p>	

Delegated Authority _____ Date _____

GEN11. Submit for Council's records documentary evidence that the development site is not on the contaminated land register.

Timing: Prior to survey plan sealing/endorsement, approval of a community management statement, issue of a certificate of classification (whichever comes first).

AMALGAMATE THE LOTS

GEN12. Amalgamate Lots 107 and 108 on RP7914 into a single allotment. Submit to Council documentary evidence of compliance with this condition.

Timing: Prior to survey plan sealing/endorsement, approval of a community management statement, issue of a certificate of classification (whichever comes first).

MAINTENANCE

GEN13. The development (including landscaping, parking, driveway and other external spaces) shall be maintained in accordance with the Approved Plans, subject to and modified by any conditions of this approval.

Timing: At all times

GEN14. Maintain the site in a clean and orderly state at all times.

Timing: At all times

MATERIAL CHANGE OF USE

MCU1. Each unit is to be provided with external clothes drying facilities in the positions shown on the approved *Site Plan_23-3304-SPY (Sheet 1) dated 19 July 2023*.

MCU2. A letter box shall be provided on the Markwell Street alignment for each habitable unit, including the body corporate if appropriate. Each box shall be distinguished with a number corresponding with each unit number.

MCU3. Each dwelling unit is to be readily identified by number.

MCU4. A maximum of one satellite dish is permitted on the premises with a maximum diameter of 1.2m with a maximum height of 10.5m above ground level.

MCU5. Communal open space area identified on the approved *Site Plan_23-3304-SPY (Sheet 1) dated 19 July 2023* is to remain within common property and shall not form part of any exclusive use area.

LANDSCAPING

MCU6. A Landscape Plan to be prepared by a suitably qualified person and is to address the following requirements.

MCU7. All 'Deep Landscaping & Landscaping areas' to be in accordance with that scaled on the approved *Site Plan_23-3304-SPY (Sheet 1) dated 19 July 2023*.

MCU8. Planting to be consistent with requirements set out in part of the South Burnett Regional Planning Scheme 2017 v1.4

MCU9. Submit to for Council's records a detailed landscape plan certifying installation of planting specimens in accordance with South Burnett Regional Planning Scheme 2017 v1.4. Detailed landscape plan and certification to be undertaken by a registered landscape architect.

Delegated Authority

Date

Timing: Prior to survey plan sealing/endorsement, approval of a community management statement, issue of a certificate of classification (whichever comes first).

REFUSE STORAGE COLLECTION

MCU10. 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 hard stand and drained; and
- c) screened around the full perimeter.

FENCING

MCU11. Fence construction between private open space areas of unit is to be solid screen fencing to a minimum height of 1.5m.

MCU12. Fences or walls proposed along road frontages are to be maximum 1.2m in height if of solid construction or maximum of 1.5m in height, if gaps permit 50% transparency, except where providing screening to bin storage area.

MCU13. Road frontage fences or walls are not to exceed 15m in length without a 1m x 0.5m indentation.

MCU14. Fence construction along the eastern, northern and western property boundary is to be solid screen fencing to a height not exceeding 1.8m.

ENGINEERING WORKS

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

Timing: As indicated

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

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

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

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

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

STORMWATER MANAGEMENT

ENG6. Undertake stormwater management in accordance with the TSA Stormwater Report QU-0406 Issue Date 22/6/2023, and addendum email trail. Guttering and downpipe sizing and configuration shall accommodate the ARI100 storm event.

ENG7. Implement all stormwater management measures required by Council.

Page 5

Delegated Authority

Date

Timing: Prior to commencement of use of units 5,6,7 & 8 shown on the approved *Site Plan_23-3304-SPY (Sheet 1) dated 19 July 2023*

- ENG8. 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.
- ENG9. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

Timing: At all times

LAWFUL POINT OF DISCHARGE

- ENG10. Lawful point of discharge for the development is Markwell Street.
- ENG11. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

WATER SUPPLY

- ENG12. Connect each premises or premises group within the development to Council's reticulated water supply network via a single connection. In accordance with the WBBROC Water Services Design and Construction Code and Queensland Plumbing and Wastewater Code.
- ENG13. Each meterable premises shall have its own water meter as per the requirements of the Queensland Plumbing and Wastewater Code.

Comment: For the avoidance of doubt, each lot shall have a master meter, with each dwelling having its own sub-meter.

SEWERAGE

- ENG14. Connect the development to Council's existing reticulated sewerage system via a single connection for units 1,2,3,4, and a single connection for units 5,6,7 & 8.
- ENG15. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.
- ENG16. Do not build works (except driveways) within 1.5 metres from the centre of any existing sewer pipework or within the Zone of Influence, whichever is the greater (measured horizontally).
- ENG17. Maintain a minimum of a 3-metre-wide corridor to be maintained for maintenance/upgrade purposes. A control joint shall be made in the driveway, 1.5m either side of the existing sewer main. The control joint shall be one third depth of the slab, and 6mm wide. Saw cuts shall be undertaken 4-12 hours after laying depending on conditions.
- ENG18. 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.
- ENG19. 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.

PARKING AND ACCESS – GENERAL

- ENG20. Design and construct all driveway, parking, and access areas with concrete, asphalt or a two-coat bitumen seal.

Page 6

Delegated Authority

Date

Timing: Prior to survey plan sealing/endorsement, approval of a community management statement, issue of a certificate of classification (whichever comes first).

- ENG21. Provide a minimum of one car parking space per dwelling (unit 8 to provide a minimum of 1 parking bay within its exclusive use area), and 2 visitor car parking spaces.

Timing: At all times

- ENG22. Visitor spaces shall not form part of any exclusive use areas and must remain available to all bonafide visitors attending the site.

Timing: At all times

VEHICLE ACCESS

- ENG23. Construct a residential standard crossover between the property boundary and the edge of the Markwell Street pavement, having a minimum width of six (6) metres, generally in accordance with Council's Standard Drawing SBRC 00048. Upgrade the existing crossover servicing unit 8 to comply with Council's design standards.

- ENG24. Any existing kerb damaged during construction of the access shall be replaced to the same profile of the adjacent kerb.

- ENG25. Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure (e.g. power pole, telecommunications pit), road infrastructure (e.g. street sign, street tree, etc).

ELECTRICITY AND TELECOMMUNICATION

- ENG26. Connect the development to electricity and telecommunication services.

- ENG27. Remove all redundant telecommunication connections and reinstate the land.

- ENG28. Remove all redundant electrical connections and reinstate the land.

EARTHWORKS – GENERAL

- ENG29. Earthworks per site involving cut or fill with a nett quantity of material greater than 50m³, 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 sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

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

- ADV1. Section 85 (1)(a) of the Planning Act provides that, if this approval is not acted upon within the period of six (6) years the approval will lapse.

Heritage

- ADV2. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care

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

Previous approvals.

ADV3. Where seeking to exercise this material change of use development permit it must be carried out in accordance with plans and conditions imposed noting that previous designs applied to the site (pursuant to previous approvals) are not relevant or justifiable under this permit.

Development Compliance

ADV4. Development must not be amended from those plans approved unless otherwise agreed as a result of a change request pursuant to the Planning Act 2016, changes that are not approved (and constructed) may constitute a development offence pursuant to the Planning Act 2016, triggering compliance action.

ADV5. All conditions imposed must be complied with as attached to this decision package, conditions that are not complied with may constitute a development offence pursuant to the Planning Act 2016, triggering compliance action.

Driveway to Unit 8

ADV6. In the event further changes involve cessation of Unit 8 (in its current form), Council will require closure of the crossover and reinstatement of kerb & channel with all access to be via the approved crossover servicing units 1,2,3,4,5,6, & 7.

Appeal Rights

ADV7. Attached for your information is a copy of Chapter 6 of the Planning Act as regards to Appeal Rights.

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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.

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REPORT

1. APPLICATION DETAILS

Site address	40-42 Markwell Street, Kingaroy		
Real property description	Lots 107 & 108 on RP7914		
Easements or encumbrances on title	NIL		
Area of Site	4046m ²		
Current Use	Multiple Dwelling		
Environmental Management Register or Contaminated Land Register	NIL		
Applicant's name	Mr Stephen Saunders		
Zone	Medium Density Residential Zone		
Applicable Overlays	Agricultural Land & Airport Overlay		
Proposed use as defined	Multiple Dwellings		
Details of proposal	Material Change of Use (MCU's)		
	▪ Gross Floor Area (GFA)	920.84m ² (22.75%)	
	▪ Impervious area	Refer to SWMR	
	▪ Building height	1 Storey <8.5m in height	
	▪ Site Cover	1126.9m ² (27.9%)	
	▪ Access	Via Markwell Street	
	▪ Landscape	810.3m ² (20%)	
	▪ Number of car parks	10 including 2 visitor spaces	
	▪ Number of units/tenancies	8 Units (including existing house)	
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			
Key planning issues e.g. vegetation, waterway corridors, overland flow			

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Referral agencies	Agency	Concurrence/ Advice
	NA	NA
Public notification	NA	
Planning Regulation 2017	Part E of the Planning Regulation applies only to the extent relevant to the proposal.	

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

The subject site is located within Kingaroy, and generally west of the town centre.

Adjoining lands directly north, east and west of the subject site and adjacent land to the south is included in the Medium Density Residential Zone under the South Burnett Regional Council Planning Scheme. Majority of the surrounding lands contain single storey residential dwelling houses. Single storey units have commenced on the adjoining No.44 Markwell Street pursuant to SBRC Approval MCU 22/0027 (approved 23/01/2023), site inspections indicate that works under this approval are ongoing (not yet complete based on conditions imposed).

Site is zoned Medium Density Residential Zone under the SBRC planning scheme, and comprises lots 107 & 108 on RP7914 as outlined in Table 1 below. Total site area is 4,046m² with physical characteristics best described as relatively flat with title area rectangular. The following overlays were identified :

- The site is mapped as being affected by Overlay Map OM1 – Airport Environs Overlay – Distance from Airport – 8km under the SBRC planning scheme.
- The southern parts of the subject lots are mapped as an Important Agricultural Area and Class A Agricultural Land on Overlay Map OM8 – Agricultural Land Overlay of the SBRC planning scheme however the site is not used for intensive agriculture. The land is included in the Medium Density Residential Zone and the site is/has been utilised for conventional residential uses and therefore assessment against the overlay is not triggered in the Medium Density Residential Zone Code



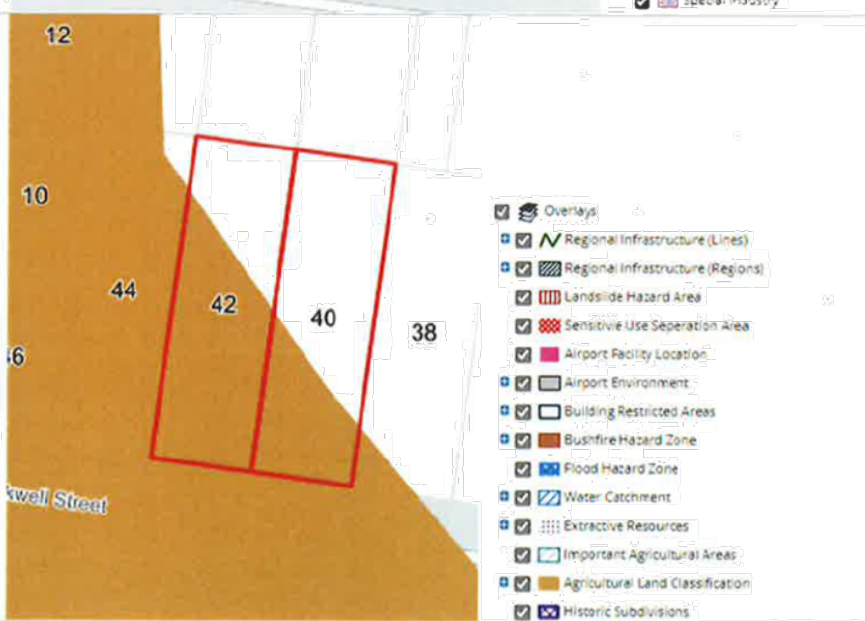
No. 40 (Lot 108) contains an existing low-set traditional triple gable dwelling house constructed from weatherboard and tin roofing which is to be retained in its current location. No. 41 (Lot 107) contains 4 single storey brick and Colourbond roofed units that have been recently constructed in association with Development Approval MCU22/0027 (approved 23/01/2023). It is reiterated that these units are now form part of the subject site for this application MCU23/0012 as discussed further in the Development History of the Site.

Markwell Street is fully sealed with an existing footpath traversing the entire frontage of the subject site (exclusive of crossovers). Access to the site is obtained via the recently constructed 6m wide residential crossover in Markwell Street that will service proposed Units 1 to 7. The existing house (unit 8) at the front eastern corner of the site is to be retained in its current location and utilise an existing crossover.

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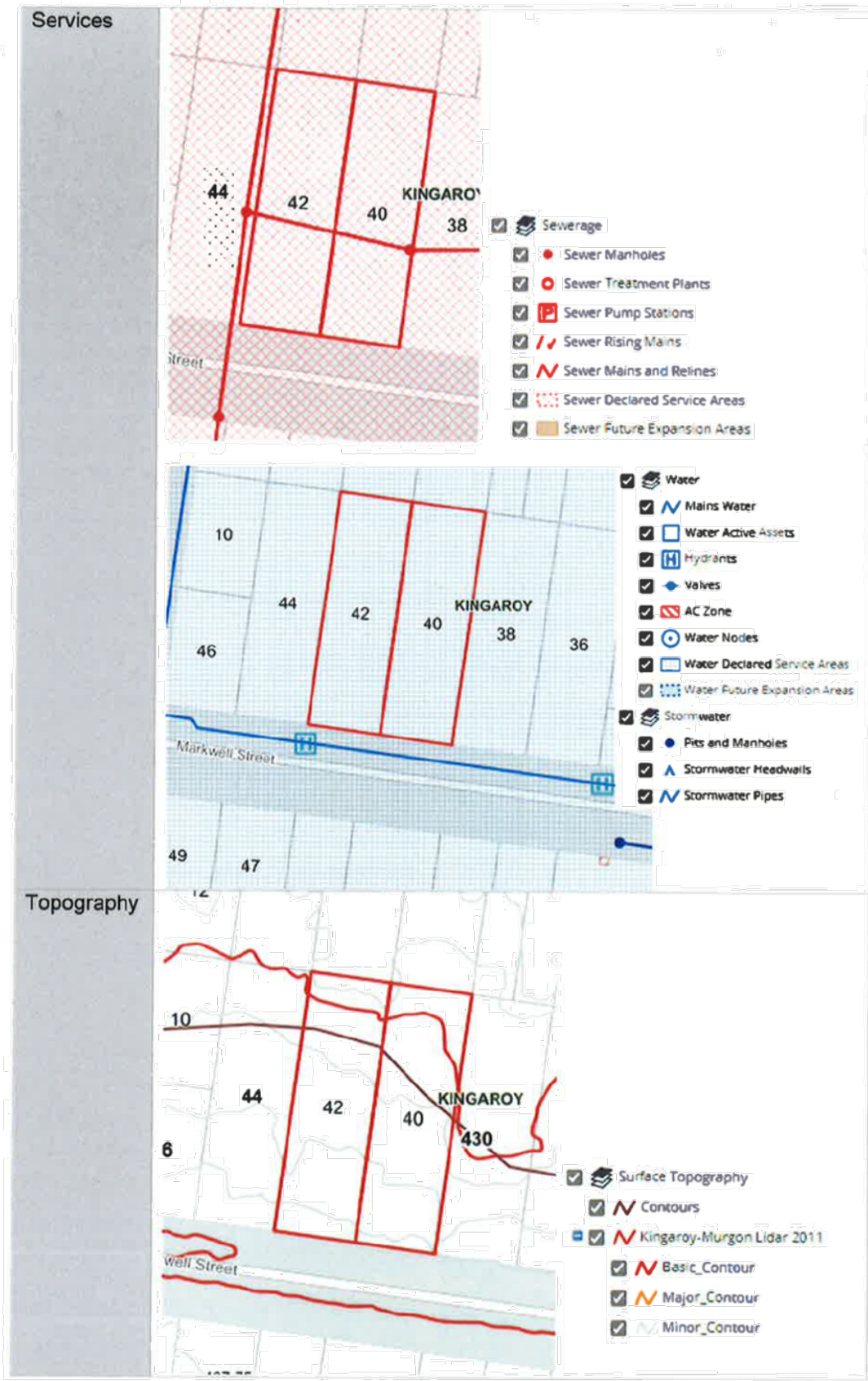
Date

Table 1 – Maps & Descriptions (Source: Intramaps)

Site	
Zoning	 <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Zoning Level 2 <input checked="" type="checkbox"/> Low Density Residential <input checked="" type="checkbox"/> Medium Density Residential <input checked="" type="checkbox"/> Local Centre <input checked="" type="checkbox"/> Principal Centre <input checked="" type="checkbox"/> Low Impact Industry <input checked="" type="checkbox"/> Medium Impact Industry <input checked="" type="checkbox"/> Special Industry
Overlays	 <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Overlays <input checked="" type="checkbox"/> Regional Infrastructure (Lines) <input checked="" type="checkbox"/> Regional Infrastructure (Regions) <input checked="" type="checkbox"/> Landslide Hazard Area <input checked="" type="checkbox"/> Sensitive Use Separation Area <input checked="" type="checkbox"/> Airport Facility Location <input checked="" type="checkbox"/> Airport Environment <input checked="" type="checkbox"/> Building Restricted Areas <input checked="" type="checkbox"/> Bushfire Hazard Zone <input checked="" type="checkbox"/> Flood Hazard Zone <input checked="" type="checkbox"/> Water Catchment <input checked="" type="checkbox"/> Extractive Resources <input checked="" type="checkbox"/> Important Agricultural Areas <input checked="" type="checkbox"/> Agricultural Land Classification <input checked="" type="checkbox"/> Historic Subdivisions

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2.2. DEVELOPMENT HISTORY OF THE SITE

MCU22/0027 for Multiple Dwelling (7 units) was approved by the Council on 23/01/2023. Works associated with MCU22/0027 have commenced which includes the Units 1 to 4 on No. 42 Markwell Street (Lot 107 of RP7914). The 6m wide crossover has also been installed, however the internal access driveway appears incomplete.

A multiple dwelling application under MCU23/0009 (3 additional units) is currently before Council however on 24 July 2023 applicant advised in writing this application is to be suspended and resubmitted as a standalone Multiple Dwelling over adjoining No. 44 Markwell Street (Lot 106 on RP7914).

3. PROPOSAL DETAILS

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

SUMMARY DETAILS

Tenancies	8 Units (including existing dwelling house to become unit 8).
Gross Floor Area + Outdoor Storage Area	920.84m ² (22.75%)
Building height	<8.5m
Storeys (height)	Single storey
Site Cover	1126.9m ² (27.9%)
Impervious Area	1153.07m ² + driveways
Landscape	810.3m ²
Number of parking spaces	10 (including 2 spaces for visitors)
Access	Via Markwell St
Design Vehicle	Car (SRV and RCV not required as <10 units)
Setbacks	Comply with SBRC Scheme AO's
Materials	<ul style="list-style-type: none"> Brick walls and Colourbond roof sheeting

The application seeks to provide Multiple Dwelling on the subject site incorporating a total of 8 Units including:

- Units 1,2,3, & 4 (constructed)
- Units 5,6, & 7 (proposed).
- Unit 8 (existing).

The development includes 2 x 3 bedroom units (existing), 2 x 2 bedroom units (existing), 3 x 2 bedroom units (proposed) and 1 dwelling house. Details of the existing dwelling house (to be unit 8) were not provided hence number of bedrooms is unknown however this is not considered an issue given age of the house its likely to act as a credit for the purposes of Infrastructure Charges Calculations (i.e. credited as a 3 bedroom dwelling).

Unit 1 and the existing house to be retained as Unit 8 are orientated to Markwell Street and will largely screen the rear sections of the development, giving the appearance of two dwelling houses fronting the street.

All units will be single storey (<8.5m above ground level). Each unit (including those constructed) will incorporate a pitched roof form and front covered patio. All external walls will be constructed

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from brick (with window and/or door openings). Pitched roof will be cladded with Colourbond roof sheeting. The existing traditional house is to be retained in the front south-eastern corner of the site as Unit 8. It is not clear as to whether further changes are to occur hence this decision package includes conditions requiring:

- Submission of drawings clearly showing unit 8's final form.
- Limitations to unit 8's building footprint to be in accordance with the scale on approved *Site Plan_23-3304-SPY (Sheet 1) dated 19 July 2023*.

Access to the site for proposed Units 1 to 7 will be via a recently constructed 6m wide residential crossover at the centre of the Markwell Street frontage. Proposed Unit 8 will utilise an existing crossover (to the existing house) at the eastern end of the frontage.

The total site area of 4046m² which exceeds the 800m² minimum area required for Multiple Dwelling development in the Medium Density Residential Zone. Accordingly yield of development/dwelling density per hectare is determined to be appropriate. Total GFA of 920.84m² (22.75%) and total site cover of 1126.9m² (27.9%) are determined to meet assessment benchmarks in the planning scheme.

A total of 10 car parking spaces will be provided with Units 1 to 7 having a single space provided in within a garage of carport. Unit 8 is conditioned to provide a minimum of 1 parking bay within its exclusive use area. Two (2) visitor bays will be provided off the internal driveway to the rear of Unit 8. No service bay or separate refuse storage area have been provided as the development is less than 10 units. Individual bins are to be store in the areas nominated on the *Site Plan_23-3304-SPY dated 19 July 2023*.

Provision of a communal open space area is compliant at 202.3m² (5% of site) as is the total landscape area of 810.3m² (20% of the site). Given the relatively low yield of the proposed development, private open spaces areas for all units are well in excess of 20m² at a minimum dimension of 4m noting that a performance outcome relates to the orientation of the private open space for Unit 1 only with area being orientated south instead of north. A deep planting strip a minimum width of 3m is provided along the site frontage where a minimum width of 2m is prescribed.

Stormwater is to be collected within the site and discharged to Markwell St kerb and channel in accordance with recommendations provided in the TSA Stormwater Report QU-0406-01 referred to in the conditions of approval.

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*
- 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

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- (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.

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:	Proposal not affected.
WBB Regional Plan Designation:	<p>Wide Bay Burnett Regional Plan 2011 – Urban Footprint</p> <p>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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4.1. REFERRAL AGENCIES

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

The application **does not require** referral to any referral agencies prescribed under Schedule 10, 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 transport tunnels	N/A N/A N/A N/A N/A			N/A	N/A

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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
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
19	Water Related Development:	N/A N/A		N/A	N/A	N/A

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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
	<ul style="list-style-type: none"> - Taking or interfering with water - Removing quarry material - Referral dams - Levees 	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

4.2. 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 <ul style="list-style-type: none"> • Agriculture. • Development and construction. • Mining and extractive resources. • Tourism. 	No applicable assessment benchmarks
Planning for the environment and heritage. <ul style="list-style-type: none"> • Biodiversity. • Coastal environment. • Cultural heritage. • Water quality 	No applicable assessment benchmarks
Safety and resilience to hazards <ul style="list-style-type: none"> • Emissions and hazardous activities. • Natural hazards, risk, and resilience. 	Flood hazard area <ul style="list-style-type: none"> • local government flood mapping area • the subject site is not identified as being affected by flooding on the SBRC Flood Mapping, it is considered that SBRC flood mapping adequately reflects matters pertaining to flooding.
Infrastructure <ul style="list-style-type: none"> • Energy and water supply. • Infrastructure integration. • Transport infrastructure. • Strategic airports and aviation facilities. • Strategic ports. 	Complies. All appropriate residential services infrastructure and connections can be made and are conditioned as part of the approval.

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4.3. DEVELOPMENT CODE ASSESSMENTS

South Burnett Planning Scheme 2017 v1.4 (SUMMARISED)		
6.2.2 Medium Density Residential Zone	Assessment Benchmark	Response
		6.2.2.2 Purpose of the Code
	6.2.2.3 Criteria for assessment Section 1	
	Site cover 60% required	Complies approximately 40%
	Height	Complies 4.1m & single storey.
	Gross Floor Area 50% (limit)	Complies total GFA less than 50%
	1.8m high fence	Complies is conditioned.
	Screen plant equipment	Complies is conditioned.
	Roof eaves minimum 400mm	Complies as required.
	1.2m high front fence	Complies is conditioned
	Connection to water & sewer	Complies is conditioned
	Connection to reticulated electricity	Complies is conditioned
	Design, installation, & connection of stormwater system.	Complies is conditioned
	Efficiency/safety of road network	Complies proposed development is consistent with the zone intent. Proposed scale is appropriate as it complies with AO's for GFA hence is not over development. Proposal will not compromise efficiency of road network or access to Markwell St.
	Refuse storage and collection	Complies is conditioned
	Heath Risks	Complies site not within an overlay identifying health risk. No record of contaminated land found during assessment and review of past SBRC Decision (for similar residential projects).
	2m Landscape strip along frontage	Complies and reflected on the drawings.
	PO6 for minimum area for landscaping (performance outcome required).	Complies – proposed multiple dwelling is a low scale/low yield detached villa style arrangement with planting areas set along length of the frontage and common driveways. Accordingly, the units in question will be softened where viewed from driveways. Conditions are also imposed for landscape strips along current western boundaries of each respective lot (for additional softening).
	Appropriate site grades	Complies – site is generally flat.
	Minimum Site area (800sqm)	Complies – site is 4046sqm.
	Minimum road frontage width	Complies – site retains a 50m frontage.
	Minimum frontage setback (6m)	Complies 6m road boundary clearance proposed.
	Side and rear setbacks 1.5m for a ground level structure).	Complies – proposal's side and rear setbacks exceed the minimum requirement (typically 1.8m to 5m).
	Private Open Space (POS) (minimum 20sqm & 4m dimension at ground level)	Complies as noted on the site plan (provided for each villa).
	Accessibility to Private Open Space	Complies – approximately 1.5m walk to some unit's POS (considered to qualify as 'direct access').

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	Communal Open Space (COS) (performance outcome required) 5% required.	Complies – approximately 202sqm is required, 183.7 is proposed with 18.3m length & 10m width. COS is considered of usable dimension and well-integrated into the design.
	8m ³ Storage space	Complies – located within each carport/garage as shown on floor plate of each villa.
	Clothes Drying	Complies – provided as shown on proposed site plan.
8.4.2 Services & works code	Assessment Benchmark	Response
	Stormwater Management System	Complies is conditioned
	Wastewater Sewer	Complies is conditioned
	Water Supply	Complies is conditioned
	Erosion & Sediment Control	Complies is conditioned
	Stormwater flow control measures	Complies is conditioned
	Installation of Infrastructure (telecommunications, electricity)	Complies is conditioned
	On-site parking (Multiple Dwelling) Table 9.4.5.	Complies – proposed parking for residents and visitor exceeds minimum requirements.
	Driveway Crossovers	Complies is conditioned
	Onsite vehicle parking and manoeuvring design.	Complies is conditioned
	Landscaping	Complies is conditioned to be carried out as per approved drawings.
Filling and Excavation	Complies is conditioned	

Medium Density Residential Zone Code		
PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME	RESPONSE
Section 1 General		
PO1 The density, built form and appearance of development reflects the intended character of the zone, is climatically responsive and facilitates casual surveillance of the street.	AO1.1 Site cover does not exceed 60% and	AO1.1 – Complies Site cover is 1126.9m ² i.e. 27% (as stated as total on Site Plan). Site cover is calculated as follow: Site cover is calculated at 1153.07m ² i.e. 28.49% (which includes a larger estimated footprint for the existing house as no plans are provided i.e. Unit 8 – 11m x 22m). Unit 1 (A) – 129.45m ² Unit 2 (B) – 131.24m ² Unit 3 (C) – 131.24m ² Unit 4 (C) – 131.24m ² Unit 5 (D) – 129.3m ² Unit 6 (D) – 129.3m ² Unit 7 (D) – 129.3m ² Unit 8 – 242m ² (approx. as no plans)
	AO1.2 Buildings are a maximum of 2 storeys and 8.5m above ground level. and	AO1.2 – Complies All dwellings are a maximum single storey and less than 8.5m in height.
	AO1.3 Maximum gross floor area does not exceed: (a) for conventional allotments, 50% of the site area.	AO1.3 – Complies GFA is not stated on plans but broader site cover is only 28%. Regardless, GFA is calculated as follows:

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Medium Density Residential Zone Code		
PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME	RESPONSE
	(b) for rear allotments, 40% of the site area. and	GFA is calculated at 920.84m ² i.e. 22.75% (which includes a larger estimated footprint for the existing house as no plans are provided i.e. Unit 8 – 11m x 22m). Unit 1 (A) – 98.56m ² Unit 2 (B) – 97.46m ² Unit 3 (C) – 97.5m ² Unit 4 (C) – 97.5m ² Unit 5 (D) – 95.94m ² Unit 6 (D) – 95.94m ² Unit 7 (D) – 95.94m ² Unit 8 – 242m ² (approx. as no plans)
	AO1.4 Where adjoining a dwelling house, a 1.8m high screen fence is provided to the common boundary. and	AO1.4 - Condition The Applicant states that 1.8m high screen fencing is to be provided to the common boundary along the rear yards of each unit. External fencing has not been annotated on the proposal plans and is required along all rear (northern) and side (eastern and western) boundaries. This fencing requirement is to be imposed as a condition of development.
	AO1.5 Plant and service equipment (air conditioning, exhaust fans, lift motor rooms, refuse bins, telecommunication devices, etc) are integrated into the building. and	AO1.5 – Not Applicable – The multiple dwelling units are detached and similar to class 1a dwelling houses accordingly service equipment will be of a domestic scale and unobtrusive (i.e. roof mounted vents, internal fans, domestic air conditioners).
	AO1.6 Rooves incorporate at least 400mm eaves over each wall. and	AO1.6 – Complies. Refer to the respective unit type layouts.
	AO1.7 Front fences are less than 1.2 metres	AO1.7 – Conditioned to comply. Front fencing is not annotated on the proposal plans and should be imposed as a condition to ensure that the front fences are less than 1.2m.
PO2 Development is adequately serviced.	AO2.1 Development is connected to reticulated water supply and sewerage. and	AO2.1 – Conditioned to comply. The subject site is connected to reticulated water supply and sewerage.
	AO2.2 Development is supplied with reticulated electricity and telecommunications services. and	AO2.2 – Conditioned to comply. The subject site is supplied with reticulated electricity and telecommunications services
	AO2.3 Stormwater is discharged to a lawful point of discharge or to downstream properties but only with the consent of the affected landowners.	AO2.3 Applicant has provided a Stormwater Management Report. Engineer has accepted recommendations.

Delegated Authority

Medium Density Residential Zone Code		
PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME	RESPONSE
<p>PO3 The efficiency and safety of the road network is not compromised by inappropriate access arrangements</p>	<p>No outcome specified.</p>	<p>PO3 The access is constructed (6m wide residential crossover plus tapers) to service Units 1 to 7. The crossover servicing Unit 8 (the existing house) is to be retained. The arrangement is relatively unchanged in terms of use for Unit 8, Access/egress, queueing for units 1 to 7 is compliant.</p>
<p>PO4 Refuse storage areas are located for convenient collection, screened from public view and provided with facilities for self-contained cleaning.</p>	<p>AO4.1 Where the total number of multiple dwelling units is less than 10, the refuse storage area allows for individual general waste and recycling bins for each unit. and</p>	<p>AO4.1 – Complies. The total number of units is 8 with individual bin storage areas nominated on the plans.</p>
	<p>AO4.2 Where the total number of multiple dwelling units is 10 or more or for rooming accommodation, communal industrial-sized bins are provided in a location that allows the collection vehicle to enter and exit the site in a forward gear and collect the waste with a maximum of 3 manoeuvres. and</p>	<p>AO4.2 – Not Applicable. The total number of multiple dwelling units is 8.</p>
	<p>AO4.3 The refuse storage area is no closer than 4m to any frontage and 1.5m to any other site boundary except where servicing 10 dwelling units or more, where the storage area is 5m from any site boundary. and</p>	<p>AO4.3 – Not Applicable A refuse storage area not required.</p>
	<p>AO4.4 Refuse storage areas are provided with an impervious base that is drained to an approved waste disposal system and provided with a dedicated hose cock. and</p>	<p>AO4.4 – Not Applicable A refuse storage area not required.</p>
	<p>AO4.5 The refuse storage area is enclosed on 3 sides to a minimum height of 0.2m above the height of the refuse receptacles.</p>	<p>AO4.5 – Not Applicable A refuse storage area not required.</p>
<p>PO5 Development is located and designed to ensure that land uses are not exposed to: (a) Areas that pose a health risk from previous activities; and</p>	<p>AO5.1 Development does not occur: (a) In areas that pose a health risk from previous activities; and (b) On sites listed on the Contaminated Land</p>	<p>AO5.1 – The applicant's town planning report stated that it 'complies' hence it is assumed that appropriate searches and certificates were procured.</p>

Delegated Authority

Medium Density Residential Zone Code		
PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME	RESPONSE
(b) Unacceptable levels of contaminants.	Register or Environmental Management Register.	It is considered appropriate to condition this development to provide those searched to Council for their records.
	or AO5.2 Areas that pose a health risk from previous activities and contaminated soils which are subject to development are remediated prior to plan sealing, operational works permit, or issuing of building works permit.	AO5.2 – The applicant's town planning report stated that it 'complies' hence it is assumed that appropriate searches and certificates were procured. It is considered appropriate to condition this development to provide those searched to Council for their records.
PO6 Landscaping enhances the appearance of the site, provides buffering and screening and shades activity areas.	AO6.1 A minimum 2m wide landscaped area with species selected to suit the streetscape is provided adjacent to all road frontages (excluding crossover and pedestrian access). and	AO6.1 – Complies. A 3m deep landscaping area is annotated in front of Existing Unit 1 to the west and a 5.6m wide deep landscaping areas is annotated in front of Unit 8 (the existing house to the east). Plant species/landscape plan has not been provided.
	AO6.2 Landscaping of pedestrian areas uses plant species which at maturity have limited foliage below 1.8m. and	AO6.2 – Complies. A condition is imposed for a Landscape Plan to be prepared by a suitably qualified person in accordance with the SBRC Regional Planning Scheme.
	AO6.3 The minimum area for site landscaping is: (a) For multiple dwellings – 20% (b) For retirement facilities – 35% (c) For other uses – not specified.	AO6.3 – Complies The minimum area for site landscaping for the Multiple Dwelling is 810.3m ² (20%).
Section 2 Home based business – Not Applicable PO7/AO7 to PO9/AO9		
Section 3 Caretaker's accommodation – Not Applicable PO10/AO10 to PO11/AO11		
Section 4 Dual occupancies, multiple dwellings and retirement facilities		
PO12 Development is located on land that provides easy, safe and convenient movement by pedestrians.	AO12.1 Development is located on land with slopes less than: (a) For multiple dwellings – 12.5%; (b) For retirement facilities – 8%; (c) For dual occupancies – not specified.	AO12.1 – Complies The site is relatively flat with the slope of the site for the Multiple Dwelling being significantly less than 12.5%.
PO13 The development site is of an appropriate size to accommodate activities, buildings, infrastructure, services and works associated with the residential use.	AO13.1 The site has a minimum area of: (a) For dual occupancies – 600m ² ; (b) For multiple dwellings – 800m ² ; (c) For retirement facilities – 2,000m ² . and	AO13.1 – Complies The combined site area for the Multiple Dwelling is 4,046m ² .
	AO13.2 The site has a minimum road frontage of:	AO13.2 – Complies The site has a combined road frontage of 50.292m.

Delegated Authority

Medium Density Residential Zone Code		
PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME	RESPONSE
	(a) For dual occupancies – 18m; (b) For multiple dwellings – 20m; (c) For retirement facilities – not specified.	
<p>PO14 Development provides a setting that adds positively to the streetscape and provides reasonable access to natural light and ventilation</p>	<p>AO14.1 Buildings have a minimum set back of 6m to the primary street frontage. and</p>	<p>AO14.1 – Complies A minimum 6m wide landscape area is provided along the Markwell Street frontage noting that sections are generally wider, including in front of Unit 8 being the original house that is to be retained within the proposed development.</p>
	<p>AO14.2 Setbacks to any secondary road frontage are a minimum of 4.5m. and</p>	<p>AO14.2 – Not Applicable The subject site does not have a secondary road frontage.</p>
	<p>AO14.3 Side and rear boundary setbacks for residential uses are a minimum of: (a) 1.5m – at ground level; (b) 2.0m – above ground level.</p>	<p>AO14.3 – Complies The minimum setback of the western side boundary is 1.5m to OMP The minimum setback of the eastern side boundary is 7.812mm to the eaves of proposed Units 5, 6 and 7 (Type D) and the existing house to be retained as Unit 8 appears to be setback approximately 7m from the same boundary where a minimum of 1.5m is required. The minimum rear (northern) boundary setback of Units 4 and 5 is 2m (being to the carport of Unit 5) where a minimum of 1.5m is required.</p>
<p>PO15 Development provides sufficient open space to meet the recreational and privacy needs of residents.</p>	<p>AO15.1 Each dwelling in a dual occupancy is provided with private open space of a minimum consolidated area of 50m² with a minimum dimension of 5m and oriented northward. and</p>	<p>AO15.1 – Not Applicable The proposed use is a Multiple Dwelling.</p>
	<p>AO15.2 Where a dual occupancy, each unit has: (a) independent driveway access to its respective street frontage; and (b) Its front door (and an associated front door identification structure) and living room windows or balconies oriented toward its respective street frontage. and</p>	<p>AO15.2 – Not Applicable The proposed use is a Multiple Dwelling.</p>

Delegated Authority

Medium Density Residential Zone Code		
PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME	RESPONSE
	<p>AO15.3 Each dwelling in a multiple dwelling is provided with northward oriented private open space comprising:</p> <p>(a) a minimum consolidated area of 20m² with a minimum dimension of 4m for ground level dwellings; and</p> <p>(b) a minimum consolidated area of 15m² with a minimum dimension of 3m for above ground level dwellings.</p> <p>and</p>	<p>PO15 Only ground level units (including the existing house) are proposed.</p> <p>All units have northward areas of open space well in excess of 20m² and a minimum dimension of 4m as nominated by a box on the proposal plans.</p> <p>The orientation of Unit 1 private open space is south and was accordingly assessed against PO15:</p> <ul style="list-style-type: none"> Development provides sufficient open space to meet the recreational and privacy needs of residents. This is a result of the front setback. It appears that in order to meet the frontage setback and landscaping requirements for the site, part of the private open space for Unit 1 will have a southerly orientation. In this instance an extensive private open space area above the minimum requirement has been provided directly from the front porch and living area. It is also noted that the residents of Unit 1 will also have access to a large common open space area (i.e. 202.3m²). As such, the provision of open space for Unit 1 is considered sufficient to meet the recreational and privacy needs of the residents.
	<p>AO15.4 Each dwelling in a retirement facility is provided with private open space comprising:</p> <p>(a) minimum consolidated area of 12m² with a minimum dimension of 3m for ground level dwellings; and</p> <p>(b) a minimum consolidated area of 20m² with a minimum dimension of 3m for above ground level dwellings.</p> <p>and</p>	<p>AO15.4 – Not Applicable The proposed use is a Multiple Dwelling.</p>
	<p>AO15.5 Private open space of ground level dwellings is directly accessible from the living areas. and</p>	<p>AO15.5 - Condition Private open space for all units is directly accessible from living areas with the exception of proposed Units 5, 6 and 7 to the north-east.</p> <p>The Applicant states that private open space areas are proposed off the living rooms of each unit.</p>

Delegated Authority

Medium Density Residential Zone Code		
PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME	RESPONSE
		<p>However Floor Plan for Type D (of the adjoining application) indicated that all private open space areas to the north and the east (rear courtyards) are adjacent walls with no direct access provided. It appears based on the carport layout on the current Site Plan that the internal floor plan for Type D was intended to be flipped which would then provide direct access from the living area to the carport and adjacent open space area.</p> <p>Therefore, it appears that the floorplates while generally acceptable are not commensurate with that displayed on the Site Plan. This can be resolved through amendments in red to simply flip the floor plate (further amended drawings are considered unnecessary at this stage of the project development).</p>
	<p>AO15.6 Screen fencing of ground level private open space achieves a minimum height of 1.5m.</p>	<p>AO15.2 – Complies & Conditioned The proposal plans indicate a 1.5m high solid screen fence to private open space areas. This is not clearly annotated for each unit (shows a dashed line only). To ensure achievement this has been conditioned.</p>
<p>PO16 Development accommodates the relaxation, recreational, storage and clothes drying needs of residents.</p>	<p>AO16.1 Communal open space is provided at a minimum rate of 5% or 40m² of site area, whichever is the greater, and excludes access and vehicle parking areas and clothes drying areas. and</p>	<p>AO15.4 – Complies Communal spaces is provided at a rate of 5% and 202.3m².</p>
	<p>AO16.2 For multiple dwellings and retirement facilities, a storage space with a minimum capacity of 8m³, which may form part of a carport or garage, is provided for each dwelling. and</p>	<p>AO16.2 – Complies & Condition A storage space of 8m³ capacity is provided in the internal garage for units or carport for each unit. No plans have been provided for Unit 8 (the exiting house). As such a condition is imposed to ensure compliance.</p>
	<p>AO16.3 Each dwelling is provided with an open air clothes drying facility screened from public streets, communal open space and neighbouring properties.</p>	<p>AO16.3 – Complies. An external clothesline is provided for units 1,2,3,4,5,6, & 7 within screened private open space areas. Unit 8 is conditioned to comply with this requirement.</p>
<p>PO17 For retirement facilities provision is also made for common indoor community and recreation areas that have facilities suitable for use for recreational and social events and is of a size adequate to</p>	<p>AO17.1 An indoor communal area, having a minimum size of 1m² for each bedspace (but not less than 25m² overall), is provided on the site and is equipped with, at least, toilet, kitchen or</p>	<p>AO17.1 – Not Applicable The proposed use is not a Retirement Facility.</p>

Delegated Authority

Medium Density Residential Zone Code		
PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME	RESPONSE
meet the needs of residents on the site.	kitchenette and storage facilities.	
PO18 Retirement facilities are provided with appropriate lighting to allow clear visibility along all pedestrian paths.	AO18.1 Bollard or overhead lighting is provided along all footpaths and car parking areas.	AO18.1 – Not Applicable The proposed use is not a Retirement Facility.
	AO18.2 All external lighting complies with the requirements of the AS4282—Control of the Obtrusive Effects of Outdoor Lighting.	AO18.2 – Not Applicable The proposed use is not a Retirement Facility.
PO19 Retirement facilities provide easy pedestrian and wheelchair access throughout the site.	AO19.1 No dwelling is more than 250m walking distance from a site entry/exit point.	AO19.1 – Not Applicable The proposed use is not a Retirement Facility.
	AO19.2 All paths and outdoor recreational areas have a gradient 5% or less.	AO19.2 – Not Applicable The proposed use is not a Retirement Facility.
Section 5 Small lot dwelling houses – Not Applicable PO20/AO20		
Section 6 Secondary dwelling – Not Applicable PO21/AO21		
Section 7 For development affected by one or more overlays		
Airport environs overlay		
Wildlife hazards sub-area		
PO22 Development does not significantly increase the risk of wildlife hazard particularly flying vertebrates, such as birds and bats, intruding within an airport operational airspace.	No outcome specified.	PO22 – Not Applicable The subject site is included in the Distance from Airport – 8km sub-category
Biodiversity overlay – Not Applicable PO23/AO23 to PO25/AO25		

SRVICES AND WORKS CODE		
Section 1 General		
PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME	RESPONSE
PO1 The development is planned and designed considering the land use constraints of the site for achieving stormwater design objectives.	AO1.1. A stormwater quality management plan provides for achievable stormwater quality treatment measures that meet the design objectives identified in Table 9.4.4.	AO1.1 – Complies & Conditioned Refer to engineering conditions and approved documentation (SBSMP to be conditioned).
PO2 Development does not discharge wastewater to a waterway or off-site unless demonstrated to be best practice environmental management for that site.	AO2.1 A wastewater management plan prepared by a suitably qualified person and addresses : (a) wastewater type; (b) climatic conditions; (c) water quality objectives; (d) best-practice environmental management; and	AO2.1 – Not Applicable
	AO2.2 Wastewater is managed in accordance with a waste management hierarchy that:	AO2.2 – Not Applicable

Delegated Authority

SRVICES AND WORKS CODE		
Section 1 General		
PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME	RESPONSE
	(a) avoids wastewater discharge to waterways; or (b) minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and groundwater.	
PO3 Construction activities avoid or minimise adverse impacts on stormwater quality.	AO3.1 An erosion and sediment control plan addresses the design objectives for the construction phase in Table 9.4.4.	AO3.1 – Complies & Conditioned
PO4 Operational activities avoid or minimise changes to waterway hydrology from adverse impacts of altered stormwater quality and flow.	AO4.1 Development incorporates stormwater flow control measures to achieve the design objectives for the postconstruction phase in Table 9.4.4.	AO4.1 – Complies & Conditioned Refer to engineering conditions and approved documentation (SBSMP to be conditioned)
Section 2 Infrastructure		
PO5 Development is provided with infrastructure which: (a) conforms with industry standards for quality; (b) is reliable and service failures are minimised; and (c) is functional and readily augmented.	AO5.1 Except in the Rural zone, all development occurs on a site with frontage to a sealed road. and	AO5.1 – Complies The proposed development is to occur on a residential site that has frontage to a sealed road (Markwell Street).
	AO5.2 Infrastructure is designed and constructed in accordance with the standards contained in PSP1 – Design and Construction Standards.	AO5.1 – Conditioned to comply Conditions imposed to comply with Council's standards.
Section 3 Vehicle Parking		
PO6 Vehicle parking and access is provided to meet the needs of occupants, employees, visitors and other users.	AO6.1 Vehicle parking spaces are provided on-site in accordance with Table 9.4.5. and	AO6.1 – Complies & Conditioned One (1) space per unit plus 1 visitor per 5 units (being a total of 8 spaces) plus 2 visitor spaces a required and will be provided. It is noted that a single garage is provided for Units 1 to 4 and a carport is provided for Units 5 to 7. Unit 8 being the existing house will utilise the existing driveway. A formal parking bay has been conditioned.
	AO6.2 A service bay is provided on-site for the service vehicle nominated in Table 9.4.5. and	AO6.2 – Not Applicable A SRV is not required as no more than 10 units is proposed (8 units including existing house to form Unit 8).
	AO6.3 Driveway crossings are provided to the standard contained in PSP1 – Design and Construction Standards. and	AO6.2 – Complies & Conditioned A condition is required to ensure that the driveway crossover servicing Units 1 to 7 is constructed to comply with Council's standard drawings in

Delegated Authority

SRVICES AND WORKS CODE		
Section 1 General		
PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME	RESPONSE
		<p>PSP1 – Design and Construction Standards.</p> <p>The existing driveway to Unit 8 (the existing house to be retained as a unit) is to be maintained for access to Unit 8 only.</p> <p>The eastern taper of the recently constructed central crossover encroaches the common boundary between Lots 107 and 108. To ensure that Unit 8 is not freehold titled given the encroachment in front of the dwelling, a condition to amalgamate the two lots should be imposed.</p>
	<p>AO6.4 Vehicle parking and manoeuvring areas are provided in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>	<p>AO6.4 Complies & Conditioned</p> <p>All vehicle parking and manoeuvring areas are in accordance with PSP1.</p> <p>Conditions have been imposed for RPEQ certification of the parking/manoeuvring area.</p>
Section 4 Landscaping		
<p>PO7 Landscaping is appropriate to the setting and enhances local character and amenity.</p>	<p>AO7.1 Landscaping is provided in accordance with the relevant zone code provisions. and</p>	<p>AO7.1 – Complies Refer to 6.1 to 6.3 of the Medium Density Residential Zone Code.</p>
	<p>AO7.2 Where shade tree planting is required in vehicle parking areas each planting bed has a minimum area of 2m² and is unsealed and permeable. and</p>	<p>AO7.2 – Not Applicable</p>
	<p>AO7.3 Plantings along frontages or boundaries are in the form of defined gardens with three tier planting comprised of groundcovers, shrubs (understorey), and trees (canopy) and provided with a drip irrigation system, mulching and border barriers.</p>	<p>AO7.3 – Complies & Conditioned Condition imposed for submission of a detailed landscape plan prepared by a suitably qualified person in accordance with the Planning Scheme</p>
Section 5 Filling and Excavation		
<p>Applicant did not provide a response to this code despite requests made in the Information request. Applicant stated that none of the assessment benchmarks of A09 (1 to 9) apply to this DA.</p> <p>Engineering conditions regarding filling and excavation have been imposed.</p>		
<p>PO9</p>	<p>AO9.1 The depth of:</p>	<p>AO9.1 Not Applicable.</p>

Delegated Authority

SRVICES AND WORKS CODE		
Section 1 General		
PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME	RESPONSE
Development results in ground levels that retain: (a) access to natural light; (b) aesthetic amenity; (c) privacy; and (d) safety	(a) fill is less than 2m above ground level; or (b) excavation is less than 2m below ground level. and	
	AO9.2 The toe of the fill, or top of the excavation is not less than 0.5m inside the site property boundary. and	AO9.2 Not Applicable.
	AO9.3 Works do not occur on slopes over 15% in grade. and	AO9.3 Not Applicable.
	AO9.4 Retaining walls over 1m in height are terraced 1.5m for every 1m in height and landscaped. and	AO9.4 Not Applicable.
	AO9.5 Batter slopes are not steeper than 25% and are grassed and terraced 1.5m for every 1m in height. and	AO9.5 Not Applicable.
	AO9.6 Filling or excavation for the purpose or retention of water: (a) is certified by an RPEQ engineer to safely withstand the hydraulic loading; (b) directs overflow such that no scour damage or nuisance occurs on adjoining lots.	AO9.6 – Conditioned to Comply
PO10 Filling or excavation does not cause damage to public utilities.	AO10.1 Filling or excavation does not occur within 2m horizontally of any part of an underground water supply, sewerage, stormwater, electricity or telecommunications system.	AO10.1 – Conditioned to Comply
PO11 Filling and excavation avoids water ponding on the premises or nearby premises that will adversely impact on the health of the community.	AO11.1 Following filling or excavation: (a) the premises: (i) are self-draining; and, (ii) has a minimum slope of 0.25%; and, (b) surface water flow is: (i) directed away from neighbouring properties; or (ii) discharged into a stormwater drainage system designed and constructed in accordance with AS3500 section 3.2.	AO11.1 – Conditioned to Comply
Section 6 - All operational work subject to an overlay – Not Applicable – No operational work is proposed nor is the subject site included in any of the following overlays.		
Biodiversity overlay – Not Applicable – No operational work is proposed.		
Flood hazard overlay – Not Applicable – No operational work is proposed.		

Delegated Authority

SERVICES AND WORKS CODE		
Section 1 General		
PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME	RESPONSE
Regional infrastructure overlay – Not Applicable – No operational work is proposed.		
Water catchments overlay – Not Applicable – No operational work is proposed.		

5. CONSULTATION

Referral Agencies

State Assessment and Referral Agency	N/A
Other	N/A

Council Referrals

INTERNAL REFERRAL SPECIALIST	REFERRAL / RESPONSE
Development Engineer	Council's Development Engineer provided engineering conditions.
Infrastructure Charges Unit	<p>Council adopted the LGIP on the 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 the code assessable application for a Material Change of Use – Development Permit for a Multiple Dwelling (8 Units) be approved subject to conditions as outlined in this report.

Infrastructure charges be levied under SBRC AICR for this development (with credits applied where deemed appropriate).

ATTACHMENTS

1. Attachment A - Statement of Reasons
2. Attachment B - Infrastructure Charges Notice
3. Attachment C - Approved Plans
4. Attachment D - Stormwater Report

NOTICE ABOUT DECISION – STATEMENT OF REASONS

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

Applicant:	Stephen Saunders
Application No:	MCU23/0012
Proposal:	Material Change of Use – Multiple Dwelling
Street Address:	40-42 Markwell Street KINGAROY
RP Description:	Lots 107 & 108 on RP 7914
Assessment Type:	Code Assessable
Number of Submissions:	N/A

On 12 September 2023 the above development was recommended for:

- Approval
 Refusal

1. Reasons for the Decision

The reasons for this decision are:

- Proposed Multiple Dwelling was assessed in accordance with the requirements set out in the *Planning Act 2016* and determined to comply with the South Burnett Regional Planning Scheme v1.4.

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

Application was determined to comply with all Acceptable Outcomes as mentioned above.

ASSESSMENT MATTERS	
Relevant Matters	The application was Code Assessable and was therefore required to be assessed within the bounds of the South Burnett Regional Planning Scheme.
Matters Raised in Submissions	N/A
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:	Stephen Saunders 42 Markwell Street KINGAROY QLD 4610	
APPLICATION:	Material Change of Use (Multiple Dwelling) - Code Assessable	
DATE:	12/09/2023	
FILE REFERENCE:	MCU23/0012	
AMOUNT OF THE LEVIED CHARGE: <i>(Details of how these charges were calculated are shown overleaf)</i>	\$43,038.00	Total
	\$21,090.00	Water Supply Network
	\$11,619.00	Sewerage Network
	\$5,166.00	Transport Network
	\$4,305.00	Parks and Land for Community Facilities Network
	\$858.00	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:	Lots 107 & 108 on RP7914	
SITE ADDRESS:	40 & 42 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
Residential use – 2 bed dwelling	3	Dwelling	\$7,030.00	CR Table 2.1	\$21,090.00

Discounts*

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

Sewerage

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential use – 2 bed dwelling	3	Dwelling	\$3,873.00	CR Table 2.1	\$11,619.00

Discounts*

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

Transport

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential use – 2 bed dwelling	3	Dwelling	\$1,722.00	CR Table 2.1	\$5,166.00

Discounts*

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

Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential use – 2 bed dwelling	3	Dwelling	\$1,435.00	CR Table 2.1	\$4,305.00

Discounts*

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

Stormwater

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential use – 2 bed dwelling	3	Dwelling	\$286.00	CR Table 2.1	\$858.00

Discounts*

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

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Residential use – 2 bed dwelling (3 of)	\$21,090.00	\$11,619.00	\$5,166.00	\$4,305.00	\$858.00	\$43,038.00
Total	\$21,090.00	\$11,619.00	\$5,166.00	\$4,305.00	\$858.00	\$43,038.00

* 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

