



**Minutes**

**Of The**

**Special Council Meeting**

**Held in the Council Chambers, 45 Glendon Street Kingaroy**

on Friday, 11 April 2014

**Acting Chief Executive Officer: Stan Taylor**



## **SOUTH BURNETT REGIONAL COUNCIL MINUTES**

**Friday, 11 April 2014**

### **ORDER OF BUSINESS:**

<b>1.</b>	<b>LEAVE OF ABSENCE.....</b>	<b>1</b>
<b>2.</b>	<b>BUSINESS .....</b>	<b>1</b>
2.1	CONF - 1286371 - Forwarding Notice to Rescind a Council Resolution - Additional Representations - RAL (1 lot into 260 lots) & Prelim Approval for MCU - Kelvyn Street River Road & Oasis Drive Kingaroy .....	2
2.2	P&LM - 1335376 - Additional Representations - RAL (1 lot into 260 lots) & Prelim Approval for MCU - Kelvyn Street River Road & Oasis Drive Kingaroy - L10 RP204229 & L902,30,28,25, 15,11,37, 38,48-50,16,10,40 & 39 SP204673 - Applicant : The Planning Place.....	2

Minutes of the meeting of the South Burnett Regional Council, held in the Council Chambers, 45 Glendon Street Kingaroy on 11 April 2014 at 3:01pm

**PRESENT:**

**Councillors:**

Cr DW Kratzmann (Mayor), Cr KM Campbell, Cr KA Duff, Cr BL Green, Cr DJ Palmer, Cr DP Tessmann, Cr RLA Heit

**Council Officers:**

Stan Taylor (Acting Chief Executive Officer), Gary Wall (General Manager Finance, Property & Information Technology), Russell Hood (General Manager Infrastructure), Chris Du Plessis (Manager Planning & Land Management)

**1. Leave Of Absence**

Nil.

**2. Business**

**CLOSED SESSION:**

**Motion:**

*Moved Cr KA Duff, seconded Cr DJ Palmer.*

*That the meeting be closed to the public for Council discussions in accordance with Section 275(1)(f) starting or defending legal proceedings involving the local government of the Local Government Regulation 2012.*

*Carried 7/0  
FOR VOTE - Councillors voted unanimously*

**OPEN COUNCIL:**

**Motion:**

*Moved Cr DP Tessmann, seconded Cr RLA Heit.*

*That the meeting resume in Open Council.*

*Carried 7/0  
FOR VOTE - Councillors voted unanimously*

**Report:**

The Mayor reported that whilst in Closed Session, in accordance with Section 275(1)(f) *starting or defending legal proceedings involving the local government*, of the Local Government Regulation 2012, Council considered matters concerning notice to Rescind a Council Resolution - Additional Representations - RAL (1 lot into 260 lots) & Prelim Approval for MCU - Kelvyn Street River Road & Oasis Drive Kingaroy.

**Motion:**

*Moved Cr KM Campbell, seconded Cr KA Duff.*

*That the Mayor's report be received*

*Carried 7/0  
FOR VOTE - Councillors voted unanimously*

**2.1 CONF - 1286371 - Forwarding Notice to Rescind a Council Resolution - Additional Representations - RAL (1 lot into 260 lots) & Prelim Approval for MCU - Kelvyn Street River Road & Oasis Drive Kingaroy**

**Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 275(1)(f) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following:

- (f) starting or defending legal proceedings involving the local government

**Recommendation**

The resolution from Item 5.1.3 of the General Meeting held on Wednesday 19 March 2014 – P&LM – IR Number 1335376 be repealed.

**Resolution:**

*Moved Cr BL Green, seconded Cr KM Campbell.*

*The resolution from Item 5.1.3 of the General Meeting held on Wednesday 19 March 2014 – P&LM – IR Number 1335376 be repealed.*

*Carried 5/2  
FOR VOTE - Cr DW Kratzmann (Mayor), Cr KM Campbell, Cr BL Green,  
Cr DJ Palmer, Cr RLA Heit  
AGAINST VOTE - Cr KA Duff, Cr DP Tessmann*

**2.2 P&LM - 1335376 - Additional Representations - RAL (1 lot into 260 lots) & Prelim Approval for MCU - Kelvyn Street River Road & Oasis Drive Kingaroy - L10 RP204229 & L902,30,28,25, 15,11,37, 38,48-50,16,10,40 & 39 SP204673 - Applicant : The Planning Place**

**Summary**

**KEY POINT SUMMARY**

- Application for Preliminary Approval Overriding the Planning Scheme, Material Change of Use (Caravan Park – Relocatable Home Park), Reconfiguration of a Lot (1 Lot into 265 Lots) and Material Change of Use (Multiple Dwelling Units)
- Subject site is comprised of seventeen (17) separate allotments ranging in area from 786m<sup>2</sup> to 39.36ha
- Subject site included within the Residential Zone, Parks and Open Space Zone and Industrial Zone under the Kingaroy IPA Planning Scheme

- The application was considered by Council at its Meeting of 18 December 2013 where Elected Representatives decided to have the item “*lay on the table*” pending receipt of additional information
- A Social Impact Statement (SIS) was provided by the Applicant addressing social and economic concerns raised throughout the assessment process
- Revised condition of development approval have been provided for the Caravan Park (Relocatable Home Park) component based on the recommendations of the Social Impact Statement (SIS)
- Recommended that Stage 1 of the proposed Caravan Park (Relocatable Home Park) be approved via a Development Permit and the balance stages granted Preliminary Approval which would allow the Applicant an opportunity to make a subsequent application for Development Permit for subsequent stages based on market demand – this approach is considered to be consistent with the needs of the community and addresses issues raised in the Social Impact Statement (SIS)
- All parts of the development application are recommended for approval subject to reasonable and relevant conditions however only Stage 1 (116 Lots) of the proposed Caravan Park (Relocatable Home Park) is to be approved under a Development Permit with balance stages 2 to 5 being approved under a Preliminary Approval

### **Officer's Recommendation**

That Council:

- (i) *approves* the Applicant's request for a Preliminary Approval Overriding the Planning Scheme (Taabinga Estate Local Plan) over Lots 10, 11, 15, 16, 25, 28, 37, 38, 39, 40, 49, 50 and 902 on SP204673, Lot 10 on RP204229 and Lots 101, 102 & 103 on SP257226;
- (ii) *approves* the Applicant's request for a Material Change of Use (Caravan Park - Relocatable Home Park) over Kelvyn Street, Kingaroy (Lot 902 on SP204673);
- (iii) *approves* the Applicant's request for a Reconfiguration of a Lot (1 Lot into 265 Lots) over Kelvyn Street, Kingaroy (Lot 902 on SP204673);
- (iv) *approves* the Applicant's request for a Material Change of Use (Multiple Dwelling Units) over 1 Kelvyn Street, Kingaroy (Lot 101 on SP257227), 22 Oasis Drive, Kingaroy (Lot 38 on SP204673), 24 Oasis Drive, Kingaroy (Lot 39 on SP204673) and 30 Oasis Drive, Kingaroy (Lot 103 on SP257227)

subject to the following conditions:

#### **General**

GEN1. All works, including the relocation of services (Telstra, lighting etc.) are to be completed at no cost to Council.

GEN2. The applicant is required to maintain the site in a clean and orderly state at all times, clearing of declared weeds and feral animals.

#### **Compliance Assessment (Material Change of Use Components)**

GEN3. All conditions of this approval are to be satisfied prior to Council issuing a Compliance Certificate for the commencement of the use, and it is the applicant's responsibility to notify Council to inspect compliance with conditions.

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

#### **Compliance Assessment (Reconfiguration of a Lot Component)**

GEN4. All conditions of this approval are to be satisfied prior to Council issuing a Compliance Certificate for the sealing of the Survey Plan, and it is the applicant's responsibility to notify Council to inspect compliance with conditions.

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

**a) Preliminary Approval Overriding the Planning Scheme (Taabinga Downs Estate Local Plan)**

**General**

GEN1. The subject site is to be developed generally in accordance with:

- Drawing No. 3352F.DA1.01 J (Structure Plan) prepared by Alex Enborisoff Architects and dated 11 July 2013; and
- Taabinga Downs Estate Local Plan prepared by The Planning Place and received by Council on 29 July 2013

Subject to the following inclusions within the Local Plan Code (Taabinga Downs Estate Local Plan) applicable for the Village Precinct:

- Minimum lot area of 236m<sup>2</sup>
- Minimum lot width of 13m
- Minimum rear boundary setback of 5.0m
- Minimum front boundary setback of 3.0m
- Minimum side and rear boundary setback of 1.5m (except for Class 10 Structures)
- Minimum 50m<sup>2</sup> private open space area for each lot with either a northern or eastern orientation
- Minimum 1.0m wide landscape strip to adjoin internal road

**Further Development Permits**

GEN2. The Preliminary Approval Overriding the Planning Scheme does not prohibit the commencement of site works and the following subsequent applications are to be made to Council prior to the commencement of any works in accordance with the Structure Plan and Taabinga Downs Estate Local Plan referenced in Condition GEN1 above:

- Development Permit for Material Change of Use (Stages 2 – 5 Relocatable Home Park)
- Development Permit for Reconfiguration of a Lot (Stages 2 – 5 Relocatable Home Park)
- Development Permit for Operational Works

**Advice**

ADV1. With the introduction of the *Sustainable Planning (Housing Affordability and Infrastructure Charges Reform) Amendment Act 2011*, an applicant's obligations with respect to infrastructure contributions/charges is now contained in a separate adopted infrastructure charges notice rather than in this development approval.

ADV2. Section 341(1) of the *Sustainable Planning Act 2009* provides that, if this approval is not acted upon within the period of four (4) years the approval will lapse. Note that in accordance with section 341(7) a related approval may extend the relevant (currency) period.

ADV3. Telecommunication connections can be arranged by emailing [F1103721@team.telstra.com](mailto:F1103721@team.telstra.com) providing the following information:

- Full name;
- Address of property including state & postcode;
- Lot No's and Plan No's: and
- What the development is (units, subdivision, shop, etc)

ADV4. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

ADV5. Attached for your information is a copy of Division 8 of the *Sustainable Planning Act 2009* as regards Rights of Appeal. With respect to Appeal Rights of Applicants, the following is drawn to your attention—

- a) the applicant's Appeal Period commences upon receipt of this advice and expires twenty (20) business days thereafter.
- b) should the applicant notify the Assessment Manager (Council) in writing of acceptance of the conditions of approval and that it is not intended to make an appeal, the Applicant's Appeal Period is at an end.

**b) Development Permit for Material Change of Use (Caravan Park - Relocatable Home Park) and Development Permit for Reconfiguration of a Lot (1 Lot into 116 Lots)**

**General**

GEN1. The subject site is to be developed generally in accordance with the plans and information submitted with the application unless otherwise amended by the following conditions:

- Drawing No. 4629 P/7 Sheet 1 of 1 Revision F prepared by O'Reilly Nunn Favier (Taabinga Village - Residential Lifestyle Village) (Stage 1 only)
- Drawing No. 3352F DA2.11 C (Typical Home Setouts) prepared by Alex Enborisoff Architects and dated February 2012
- Drawing No. 3352F DA2.12 C (Elevations 1) prepared by Alex Enborisoff Architects and dated February 2012
- Drawing No. 3352F DA2.13 C (Elevations 2) prepared by Alex Enborisoff Architects and dated February 2012
- Drawing No. 3352F DA2.14 C (Home Types) prepared by Alex Enborisoff Architects and dated February 2012

**Amended Plans**

GEN2. The applicant shall provide amended plans for the Caravan Park (Relocatable Home Park) identifying a building envelope for each lot based on the following requirements:

- Maximum building envelope area equal to 50% site cover
- Minimum 5.0m rear boundary setback
- Minimum 1.5m side and rear boundary setbacks (except for Class 10 Structures)
- Minimum 3.0m front boundary setback
- Minimum 50m<sup>2</sup> private open space area with either a northern or eastern orientation

### **Manufactured Home Park**

GEN3. Future site agreements for individual lots are to be prepared and managed under the provisions of the *Manufactured Home (Residential Parks) Act 2003*. In addition, the site agreement is to include a condition that prohibits the owner from letting the dwelling to another party.

### **Fencing**

MCU2. Fence construction along the side and rear boundaries is to be solid screen fencing to a height not exceeding 1.8m to prohibit direct views between habitable rooms of relocatable homes and between individual private open space areas.

MCU3. The height of the fences forward of the main building line except where bounding private open space, is to be 1.2m if of solid construction, or up to 1.8m if gaps permit 50% transparency. Fences or walls over 1.2m in height are tapered to 1.2m in height within 4.0m of the front boundary.

### **Lighting**

MCU4. Lighting used to illuminate any areas of the premises is to be designed and constructed in accordance with Australian Standard AS4282 (*Obtrusive Effects of Outdoor Lighting*) to ensure that lighting does not directly illuminate any nearby premises or roadways.

### **Landscaping**

MCU5. The applicant is required to prepare a landscape plan for the subject site in accordance with Planning Scheme Policy No. 5 of the Kingaroy Shire IPA Planning Scheme for Compliance Assessment by Council and is to incorporate a minimum 1.0m wide landscape strip along each internal road frontage (excluding driveway and vehicle manoeuvring areas). This plan is to be submitted to and approved by Council prior to the landscaping work commencing. Plant species may be selected from Council's *Branching Out – Your Handy Guide to Tree Planting in the South Burnett* (refer to booklet provided).

### **Stormwater**

ENG1. Any new earthworks or structures are not to concentrate or impede the natural flow of water across property boundaries and onto any other lots.

ENG2. The stormwater drainage system serving the site is to be designed so that the post-development flows at the point of discharge to all downstream properties including road reserves remains consistent with the pre-developed case.

ENG3. Stormwater drainage is to be designed such that no restriction to existing or developed stormwater flow from upstream properties or ponding of stormwater within upstream properties occurs as a result of the development.

ENG4. Easements are required over any inter-allotment drainage systems. Such easements shall be not less than three (3) metres in width.

### **Access**

ENG5. Prior to Council sealing the Survey Plan, property accesses are to be provided to each lot in accordance with IPWEAQ Standard Drawing SEQ R-050 and Table S2.7 - Design and Construction Standards of the Kingaroy Shire IPA Planning Scheme with the location of each access in accordance with the approved Proposal Plan.

ENG6. Access is to be constructed such that there is no trip hazard to pedestrians present and to ensure that low clearance vehicles can enter and exit the property without bottoming out of the access.



**Infrastructure Agreement (River Road/Kelvyn Street Intersection)**

ENG7. The developer is to enter into an infrastructure agreement with Council for the future upgrading of the intersection as follows:

- The intersection is to be designed in accordance with Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections
- Widen, construct, seal and kerb and channel (western side only, 10m kerb to kerb) Kelvyn Street from the River Road intersection, including turnouts, through to the private entrance to Lot 902 on SP204673.
- Widen, construct and seal (8.0m kerb to edge of seal) Kelvyn Street from the Roberta Street intersection, including turnouts, through to the private entrance of Lot 902 on SP204673

**Footpath**

ENG8. The applicant is required to construct a footpath from the River Road/Kelvyn Street intersection along Kelvyn Street and Roberta Street, terminating at the Oasis Drive/Roberta Street intersection, general in accordance with IPWEAQ Standard Drawing R-065.

**Infrastructure Agreement (Kingaroy/Knight Street Intersection)**

ENG9. The developer is to enter into an infrastructure agreement with Council and the Department of Main Roads for the future upgrading of the intersection of Kingaroy Street and Knight Street, in general accordance with Department of Main Road's requirements.

- The infrastructure agreement is to nominate—
- The extent of roadworks required, including the estimated construction costs
- The service catchment of the intersection
- The formula for contributions towards the roadworks based upon the expected future lot yield within the catchment, estimated construction costs, and provision for annual indexation

**Infrastructure Agreement (Kingaroy/Avoca Street Intersection)**

ENG10. The developer is to enter into an infrastructure agreement with Council and the Department of Main Roads for the upgrade of the intersection of Kingaroy Street and Avoca Street, in general accordance with Department of Main Road's requirements.

The infrastructure agreement is to nominate—

- The extend of roadworks required, including the estimated construction costs
- The service catchment of the intersection
- The formula for contributions towards the roadworks based upon the expected future lot yield within the catchment, estimated construction costs, and provision for annual indexation

Albeit that this intersection has been signalised, the original traffic impact assessment report undertaken by The Harrison Group identified this developed catchment as being a key contributor towards its upgrade. Council funded all the undeveloped catchments at the time of its construction and this will be a process of reimbursement back to Council for funding the impacts of development on its infrastructure.

**Roads**

ENG11. The applicant is required to construct, seal and kerb and channel the extension of Oasis Drive, interconnecting with Roberta Street. The applicant is also required to construct, seal and kerb and channel the extension of Roberta Street, interconnecting with Oasis Drive and as detailed in the table below:

<b>Reserve width</b>	<b>Kerb invert- Kerb invert width</b>	<b>Kerb and Channel</b>
20.0m	7.5m	Type M3 on IPWEAQ Standard Drawing SEQ R- 080

**Footpath**

ENG12. The applicant is required to construct a footpath from the Oasis Drive/ Roberta Street intersection, extend along Roberta Street down to proposed Lot 67. The footpath shall then cross the extension of Oasis Drive through the footpath corridor abutting Lots 39, 50, 78 & 79 to existing Lot 41. It will then extend along Oasis Drive and around on to Mirage Avenue, terminating at the Mirage Avenue/ Kingaroy Street intersection, generally in accordance with IPWEAQ Standard Drawing R-065.

**Water & Wastewater**

ENG13. A water connection will be required to service each proposed unit to current South Burnett Regional Council standards. Any alterations to water mains are to be undertaken at no cost to Council.

ENG14. A sewerage connection will be required to service each proposed unit to current South Burnett Regional Council standards. Any alterations to sewer mains are to be undertaken at no cost to Council.

**Survey Marks**

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

**Natural Resources Valuation Fees**

RAL2. Payment of Department of Natural Resources and Mines valuation fees that will result from the issue of split valuations prior to Council sealing the Survey Plan. The contribution is currently assessed at \$5,220 (116 x \$45.00); however, the actual amount payable will be based on Council's Register of Regulatory & Cost-Recovery Fees and the rate applicable at the time of payment.

**Property Access**

ENG1. Property access provided to each lot in accordance with IPWEAQ Standard Drawing R-056 and Table S2.7 - Design and Construction Standards of the Kingaroy Shire IPA Planning Scheme with the location of each access in accordance with the approved Proposal Plan. Each property access is to be constructed prior to Council sealing the Survey Plan.

**Stormwater**

ENG2. All stormwater drainage systems, including all surface, underground and roofwater components, to effectively drain all stormwater falling on to the proposed development of Council's stormwater system, rainwater tanks or other lawful point of discharge.

ENG3. The stormwater drainage system serving the site is to be designed so that the post-development flows at the point of discharge to all downstream properties including road reserves remains consistent with the pre-developed case.

**Water Supply**

ENG4. A water connection will be required to service each dwelling unit to current South Burnett Regional Council standards. Any alterations to water mains are to be undertaken at no cost to Council.

ENG5. Water reticulation is to be sized according to Water Supply Network Analysis - Proposed Development Taabinga Estate (Contour Consulting Engineers) and the Planning Guidelines for Water Supply and Sewerage (Department of Natural Resources and Mines 2005).

It should be noted that the water network model has only been provided for the residential land uses (in accordance with the Taabinga Estate Structure Plan) and does not take into consideration future industrial land located to the west of Cornish Street (forming part of Lot 902 on SP204673). Subsequent applications over the aforementioned industrial land will require additional water supply modelling based on specific development requirements.

ENG6. Connections for the internal reticulation are to be provided to the existing Low Level Zone from Kingaroy Street **and** the Kelvyn Street end as per standard development requirements.

### **Sewerage Reticulation**

ENG7. A sewerage connection will be required to service each dwelling unit to current South Burnett Regional Council standards. Any alterations to sewer mains are to be undertaken at no cost to Council.

ENG8. Sewer main reticulation is to be sized in accordance with the Engineering Report Sewer Network Analysis prepared by RMA Engineers Pty Ltd (2012) and the Planning Guidelines for Water Supply and Sewerage (Department of Natural Resources and Mines 2005). This report prepared by RMA Engineers Pty Ltd indicates upgrades to sewer mains based on the Sewer Network Planning Report (2008).

ENG9. Amendments undertaken to the network analysis prepared by Contour Consulting Engineers (Water Supply Network Analysis - Proposed Development Taabinga Estate dated 17 October 2013) have indicated that the entire main from Cornish Street through to Kelvyn Street will require upgrading to a 300DN main at the location all the way down to River Road.

### **Earthworks**

ENG10. Any proposed earthworks shall be undertaken in accordance with the Urban Locality Code, Element (g) within the Kingaroy Shire IPA Planning Scheme unless approved separately under a Development Permit for Operational Works.

### **Environmental Protection**

ENG11. During the construction phase, install and maintain silt management facilities until the subdivision has been accepted off maintenance.

ENG12. Submit detailed silt management procedures, engineering drawings and an environmental management plan for approval by Council prior to the commencement of works.

### **Advice**

ADV1. With the introduction of the *Sustainable Planning (Housing Affordability and Infrastructure Charges Reform) Amendment Act 2011*, an applicant's obligations with respect to infrastructure contributions/charges is now contained in a separate adopted infrastructure charges notice rather than in this development approval.

- ADV2. Section 341(1)(b) of the *Sustainable Planning Act 2009* provides that, if this approval is not acted upon within the period of four (4) years the approval will lapse. Note that in accordance with section 341(7) a related approval may extend the relevant (currency) period.
- ADV3. Telecommunication connections can be arranged by emailing [F1103721@team.telstra.com](mailto:F1103721@team.telstra.com) providing the following information:
- Full name;
  - Address of property including state & postcode;
  - Lot No's and Plan No's: and
  - What the development is (units, subdivision, shop, etc)
- ADV4. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.
- ADV5. Attached for your information is a copy of Division 8 of the *Sustainable Planning Act 2009* as regards Rights of Appeal. With respect to Appeal Rights of Applicants, the following is drawn to your attention—
- a) the applicant's Appeal Period commences upon receipt of this advice and expires twenty (20) business days thereafter.
  - b) should the applicant notify the Assessment Manager (Council) in writing of acceptance of the conditions of approval and that it is not intended to make an appeal, the Applicant's Appeal Period is at an end.
- c) **Development Permit for Material Change of Use (Multiple Dwelling Units) over 1 Kelvyn Street (Lot 101 on SP257227), 22 Oasis Drive (Lot 38 on SP204673), 24 Oasis Drive (Lot 39 on SP2045673) and 30 Oasis Drive (Lot 103 on SP257227)**

### General

- GEN1. The subject site is to be developed generally in accordance with the plans and information submitted with the application unless otherwise amended by the following conditions:
- a) **22 Oasis Drive (Lot 38 on SP204673) and 24 Oasis Drive (Lot 39 on SP204673)**
    - Drawing No. 3352C DA6 B (Ground Level) prepared by Alex Enborisoff Architects and dated 24 July 2013
    - Drawing No. 3352C DA7 B (Ground Floor) prepared by Alex Enborisoff Architects and dated 24 July 2013
    - Drawing No. 3352C DA8 B (First Floor) prepared by Alex Enborisoff Architects and dated 24 July 2013
    - Drawing No. 3352C DA9 B (First Floor) prepared by Alex Enborisoff Architects and dated 24 July 2013
    - Drawing No. 3352C DA10 B (Roof Plan) prepared by Alex Enborisoff Architects and dated 24 July 2013

- Drawing No. 3352C DA11 B (Elevations) prepared by Alex Enborisoff Architects and dated 24 July 2013
- Drawing No. 3352C DA12 B (Elevations) prepared by Alex Enborisoff Architects and dated 24 July 2013

**b) 1 Kelvyn Street (Lot 101 on SP257227)**

- Drawing No. 3352E DA6 D (Ground Flood Lot 30) prepared by Alex Enborisoff Architects and dated 26 September 2012
- Drawing No. 3352E DA7 D (Roof Plan) prepared by Alex Enborisoff Architects and dated 26 September 2012
- Drawing No. 3352E DA8 D (Elevations and Section Lot 30) prepared by Alex Enborisoff Architects and dated 26 September 2012
- Drawing No. 3352E DA9 D (Elevations Lot 30) prepared by Alex Enborisoff Architects and dated 26 September 2012

**c) 30 Oasis Drive (Lot 103 on SP257227)**

- Drawing No. 3352E DA14 D (Ground Floor Lot 48) prepared by Alex Enborisoff Architects and dated 26 September 2012
- Drawing No. 3352E DA15 D (Roof Plan Lot 48) prepared by Alex Enborisoff Architects and dated 26 September 2012
- Drawing No. 3352E DA16 D (Elevations Lot 48) prepared by Alex Enborisoff Architects and dated 26 September 2012
- Drawing No. 3352E DA17 D (Elevations Lot 48) prepared by Alex Enborisoff Architects and dated 26 September 2012

**Amended Plans**

MCU1. The applicant shall provided amended plans for the eight (8) dwelling units proposed at 22 Oasis Drive (Lot 38 on SP204673) and 24 Oasis Drive (Lot 39 on SP204673) incorporating the following design elements:

- All eight (8) dwelling units are to be totally contained within Lots 38 and 39 on SP204673 - currently the proposal plan indicates a single storey dwelling unit being located over the boundary of Lot 37 on SP204673 and Lot 38 on SP204673
- Ensure that ingress and egress from all car parking spaces (including visitor car parking spaces) over 22 Oasis Drive (Lot 38 on SP204673) and 24 Oasis Drive (Lot 39 on SP204673) complies with Australian Standard AS2890.1:2004 for a B99 class vehicle (refer to Condition ENG3)

**Fencing**

MCU2. Fence construction along the side and rear boundaries is to be solid screen fencing to a height not exceeding 1.8m to prohibit direct views between habitable rooms of dwelling units and between individual private open space areas.

MCU3. The height of the fences forward of the main building line except where bounding private open space, is to be 1.2m if of solid construction, or up to 1.8m if gaps permit 50% transparency. Fences or walls over 1.2m in height are tapered to 1.2m in height within 4.0m of the front boundary.

**Satellite Dishes**

MCU4. A maximum of one satellite dish is permitted per dwelling unit with a maximum diameter of 1.2m with a maximum height of 10.5m above ground level.

### **Lighting**

MCU5. Lighting used to illuminate any areas of the premises is to be designed and constructed in accordance with Australian Standard AS4282 (Obtrusive Effects of Outdoor Lighting) to ensure that lighting does not directly illuminate any nearby premises or roadways.

### **Landscaping**

MCU6. The applicant is required to prepare a landscape plan for the subject site in accordance with Planning Scheme Policy No. 5 of the Kingaroy Shire IPA Planning Scheme for Compliance Assessment by Council and is to incorporate a minimum 1.0m wide landscape strip along the Oasis Drive frontage (excluding driveway and vehicle manoeuvring areas). This plan is to be submitted to and approved by Council prior to the landscaping work commencing. Plant species may be selected from Council's *Branching Out – Your Handy Guide to Tree Planting in the South Burnett* (refer to booklet provided).

### **Clothes Drying Area**

MCU7. Each dwelling unit is to be provided with external clothes drying facilities in the private open space area.

### **Letterboxes and Unit Identification**

MCU8. Letterboxes shall be provided for each habitable unit, including the body corporate if appropriate. Each box shall be distinguished by a number corresponding to the unit number.

MCU9. Each dwelling unit is to be readily identified by number.

### **Stormwater**

ENG1. Any new earthworks or structures are not to concentrate or impede the natural flow of water across property boundaries and onto any other lots.

ENG2. The stormwater drainage system serving the site is to be designed so that the post-development flows at the point of discharge to all downstream properties including road reserves remains consistent with the pre-developed case.

ENG3. Stormwater drainage is to be designed such that no restriction to existing or developed stormwater flow from upstream properties or ponding of stormwater within upstream properties occurs as a result of the development.

ENG4. Heavy duty galvanized steel roof water adaptors are to be installed in the kerb and channelling during construction in all locations where inter-allotment drainage systems are not required, in accordance with South Burnett Regional Council requirements and to the satisfaction of Council.

### **Roads and Access**

ENG5. Property access is to be provided to each dwelling unit in accordance with IPWEAQ Standard Drawing SEQ R-050 and Table S2.7 - Design and Construction Standards of the Kingaroy Shire IPA Planning Scheme with the location of each access in accordance with the approved Proposal Plan.

ENG6. Accesses are to be constructed such that there is no trip hazard to pedestrians present and to ensure that low clearance vehicles can enter and exit the property without bottoming out of the access.

ENG7. All internal driveways and turning radii are to be designed and constructed in accordance with AS/NZS 2980.1:2004.

ENG8. All parking areas and internal driveways are to be designed and constructed in accordance with Schedule 1 - Parking and On-site Movement (Ratios, Design and Construction Standards) of the Kingaroy Shire IPA Planning Scheme.

**Advice**

ADV1. With the introduction of the *Sustainable Planning (Housing Affordability and Infrastructure Charges Reform) Amendment Act 2011*, an applicant's obligations with respect to infrastructure contributions/charges is now contained in a separate adopted infrastructure charges notice rather than in this development approval.

ADV2. Section 341(1)(a) of the *Sustainable Planning Act 2009* provides that, if this approval is not acted upon within the period of four (4) years the approval will lapse. Note that in accordance with section 341(7) a related approval may extend the relevant (currency) period.

ADV3. Telecommunication connections can be arranged by emailing [F1103721@team.telstra.com](mailto:F1103721@team.telstra.com) providing the following information:

- Full name;
- Address of property including state & postcode;
- Lot No's and Plan No's: and
- What the development is (units, subdivision, shop, etc)

ADV4. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

ADV5. Attached for your information is a copy of Division 8 of the *Sustainable Planning Act 2009* as regards Rights of Appeal. With respect to Appeal Rights of Applicants, the following is drawn to your attention—

- a) the applicant's Appeal Period commences upon receipt of this advice and expires twenty (20) business days thereafter.
- b) should the applicant notify the Assessment Manager (Council) in writing of acceptance of the conditions of approval and that it is not intended to make an appeal, the Applicant's Appeal Period is at an end.

**Resolution:**

*Moved Cr KM Campbell, seconded Cr BL Green.*

*That the Officer's Recommendation be adopted.*

*Carried 4/3*  
*FOR VOTE - Cr DW Kratzmann (Mayor), Cr KM Campbell, Cr BL Green, Cr DJ Palmer*  
*AGAINST VOTE - Cr KA Duff, Cr DP Tessmann, Cr RLA Heit*

There being no further business the meeting was declared closed at 4:20pm.

Confirmed before me this ..... day of .....2014

..... **MAYOR**



