

Enquiries: David Heritage
Phone: 07 4189 9100
IR1524315 DH:JT

IDAS Development Application Decision Notice

Sustainable Planning Act 2009

Material Change of Use (Multiple dwelling units)

11 January 2016

Salt Enterprises (Aust) Pty Ltd
C/- O'Reilly Nunn Favier
PO Box 896
KINGAROY QLD 4610

Reference: 5867

Dear Sir/Madam

I refer to your Development Application for a Development Permit - Material Change of Use (Multiple dwelling units) at 37 Buckingham Street, Kingaroy (and described as Lot 173 on SP219379). The application was assessed and approved subject to conditions by Delegated Authority on Monday 11 January 2016.

The following schedule provides the relevant details.

1 REFERRAL AGENCY ASSESSMENT

Concurrence Agencies: Nil

Advice Agencies: Nil

2 CONDITIONS

Refer to Attachment A for Assessment Manager's Conditions

3 APPROVAL TYPE

Development Permit for Material Change of Use

4 FURTHER PERMITS/LICENCES REQUIRED

Development Permit for Plumbing and Drainage Work
Development Permit for Building Work

5 PROPERLY MADE SUBMISSIONS

N/A.

6 RIGHTS OF APPEAL

Details on rights of appeal are attached for your information and a Notice of Appeal can be accessed on <http://www.courts.qld.gov.au>

Customer Service Centres

- Blackbutt** 69 Hart Street
- Kingaroy** 45 Glendon Street
- Nanango** 48 Drayton Street

- Murgon** 42 Stephens Street West
- Wondai** Cnr Mackenzie & Scott Streets

With a view to early completion of the appeal process, it is in your interest to advise Council of your acceptance of the approval and conditions or to lodge an Appeal at your earliest convenience – as pursuant to Division 5, s339 of the *Sustainable Planning Act 2009* the approval does not take effect until the completion of the applicants' Appeal Period.

7 ADVICE

The *Sustainable Planning Act 2009* provides the opportunity to make representations about a matter in the decision notice. This opportunity is provided during the applicant's 20 business day appeal period.

The purpose of this opportunity is to provide a mechanism for applicants and assessment manager to resolve disputes about conditions and other decision notice matters outside the formal appeal process.

Decision notice matters that can be negotiated are:

- the type of approval issued (eg. the issuing of a preliminary approval instead of a development approval)
- the length of the relevant period
- the conditions of approval
- the plans referred to in the approval
- the list of other development permits necessary to allow the development to be carried out; and
- the list of codes that may need to be complied with for self-assessable development.

8 ASSESSMENT MANAGER

South Burnett Regional Council.

Yours faithfully


Chris Du Plessis
MANAGER – PLANNING AND LAND MANAGEMENT

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ATTACHMENT A
ASSESSMENT MANAGER'S REPORT
SOUTH BURNETT REGIONAL COUNCIL

General

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

- *Site Plan*, project no: 15-2115-SPY, sheet 1, prepared by: Blueprint Drafting Services, dated: 19 October 2015;
- *Floor Plan*, project no: 15-2115-SPY, sheet 2, prepared by: Blueprint Drafting Services, dated: 19 October 2015; and
- *Elevations*, project no: 15-2115-SPY, sheet 3, prepared by: Blueprint Drafting Services, dated: 19 October 2015.

Unless otherwise amended by the following conditions.

GEN2. Each Multiple Dwelling Unit is to contain two (2) bedrooms only, as shown on the approved plan.

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

GEN4. The applicant is required to maintain the site in a clean and orderly state at all times, clearing declared weeds and feral animals.

Compliance Assessment

GEN4. All conditions of this approval are to be satisfied prior to Council issuing a Compliance Certificate for the commencement of the use, and it 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.

Lighting

MCU1. Lighting used to illuminate any areas of the premises is to be designed and constructed to ensure that lighting does not directly illuminate any nearby premises or roadways;

Landscaping

MCU2. Landscaping is to be established and maintained in accordance with the approved plan, *Planning Scheme Policy No. 5 and the Urban Locality Code of the Kingaroy Shire IPA Planning Scheme*.

Satellite Dishes

MCU3. 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.

Letterboxes and Unit Identification

MCU4. 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.

MCU5. Each dwelling unit is to be readily identified by number.

Electricity/Telecommunications

MCU6. Each dwelling unit is to be supplied with reticulated electricity and telecommunication services.

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Property Access and Car Parking

ENG1. The applicant must provide a single property access from the property (combined to service both units) to the abutting road carriageway in accordance with the details in Council's Standard Drawing SBRC 00048 *Residential Property Access and Kerb Crossover*, and Table S2.7 – *Design and Construction Standards* of the Kingaroy Shire Council IPA Planning Scheme, except that the plan dimensions of the driveway shall be as shown on the applicant's drawing 15-2115-SPY Sheet 1 Site Plan, dated 19 October 2015.

ENG2. The access shall be constructed:

- (a) such that it does not cause a trip hazard to pedestrians;
- (b) to ensure that low-clearance vehicles can enter and leave the property; and
- (c) such that fencing, landscaping and letterboxes do not impede sight lines for vehicles entering or leaving the property or driving along Buckingham Street.

ENG3. The applicant shall remove any disused vehicle entrances and reinstate kerbing consistent with the adjacent kerb profile.

Stormwater

ENG4. The applicant shall submit stormwater design drawings for Compliance Assessment by Council's General Manager of Infrastructure, detailing:

- (a) drainage paths within and outside the property;
- (b) Design for stormwater including sizing, other details and location of all proposed pipe and channel flows and stormwater infrastructure such as on-site detention storages, and their outlet details;
- (c) Details of all pre- and post-development flows; and
- (d) Details of any cut or fill proposed to direct stormwater to a legal point of discharge.

ENG5. On-site detention storage shall be provided for the purpose of mitigating stormwater worsening resulting from additional impervious areas.

ENG6. All stormwater drainage infrastructure serving the site including all surface, underground and roof water components shall be designed:

- (a) in accordance with the requirements of the *Queensland Urban Drainage Manual* (QUDM) and certified by a RPEQ engineer;
- (b) so that the development will not make material changes to the pre-development location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves; and
- (c) To effectively drain all stormwater falling onto the proposed development to Council's stormwater system, rainwater tanks, or other lawful point of discharge.

ENG7. Any new earthworks or structures shall not concentrate or impede the natural flow of water across property boundaries and onto any other lots including the road reserve.

ENG8. All stormwater collected from the site including roof water shall be piped to a legal point of discharge, which may include a rainwater tank. Such works shall be sized and constructed as determined by the detailed design.

ENG9. Heavy duty galvanized steel roof water adaptors (Kacey or equivalent) shall be installed in the kerb and channelling during construction in accordance with South Burnett Regional Council requirements.

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Water Supply

ENG10. Each unit within the proposed development shall be connected to Council's Reticulated Water Supply System in accordance with Schedule 2, Division 3.2 – *Design and Construction Standards*, Table S2.10 of the Kingaroy Shire IPA Planning Scheme and the *South East Queensland Water Supply and Sewerage Design & Construction Code* (SEQ Code), at no cost to Council.

Sewerage

ENG11. Sewerage shall be connected to each unit in accordance with the requirements of Schedule 2, Division 3.2 – *Design and Construction Standards*, Table S2.10 of the Kingaroy Shire IPA Planning Scheme; and the *South East Queensland Water Supply and Sewerage Design & Construction Code* (SEQ Code), at no cost to Council.

Building Over and Adjacent to Sewer

ENG12. Where the vehicular access pavement is proposed to be built as shown on the applicant's drawing 15-2115-SPY Sheet 1 *Site Plan*, dated 19 October 2015, construction jointed sections must be incorporated so as to facilitate future Council access for maintenance/service purposes. The joints shall be located symmetrically about the centre-line of the sewer and at least 600mm apart. The locations of the sewer may be inferred from the location of the nearest manholes to each side of the driveway.

Advice

ADV1. 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.

ADV2. All engineering designs submitted to Council for engineering approval are expected to be certified by an appropriate Registered Professional Engineer of Queensland.

ADV3. 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.

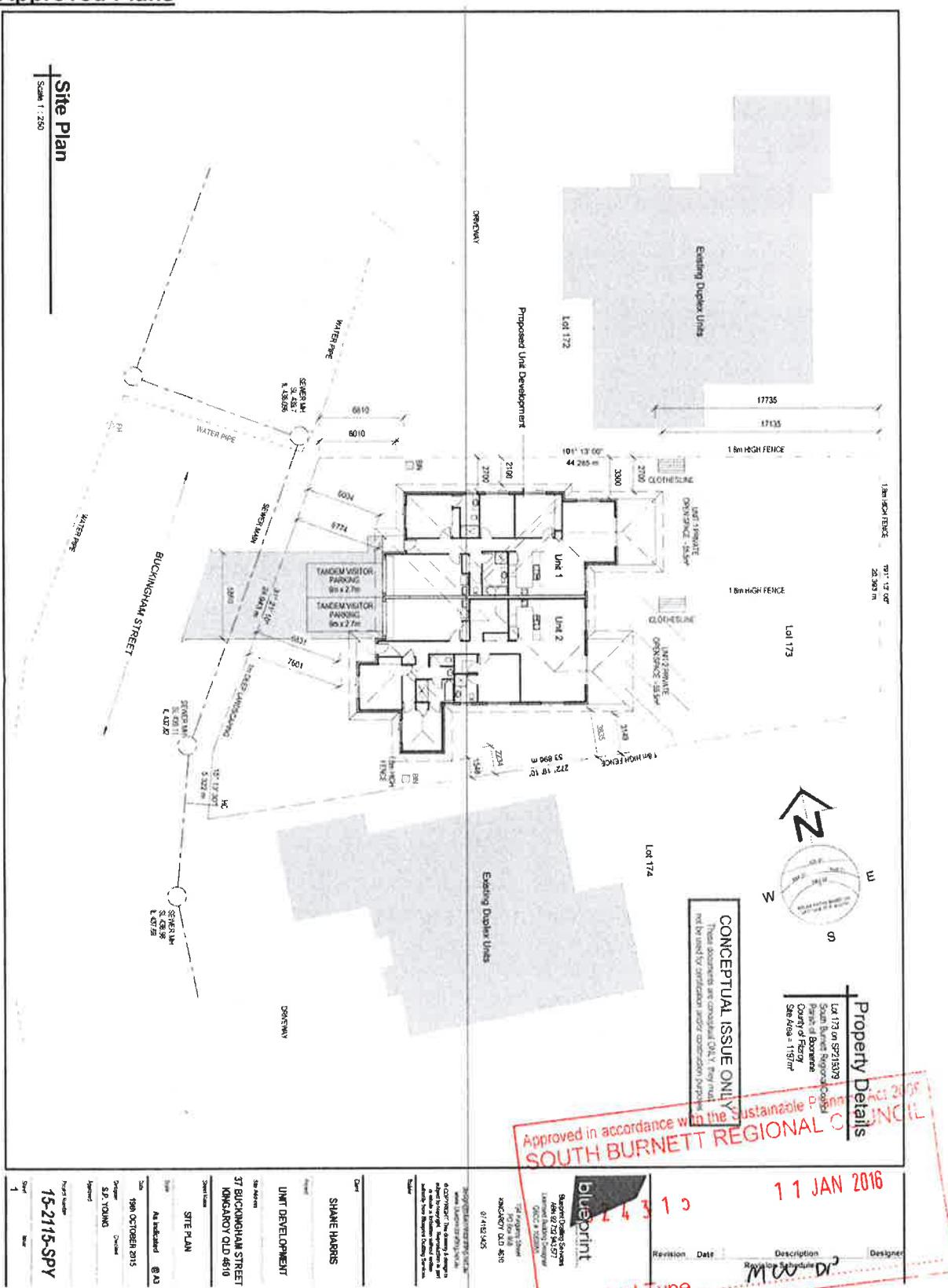
ADV4. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable 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—

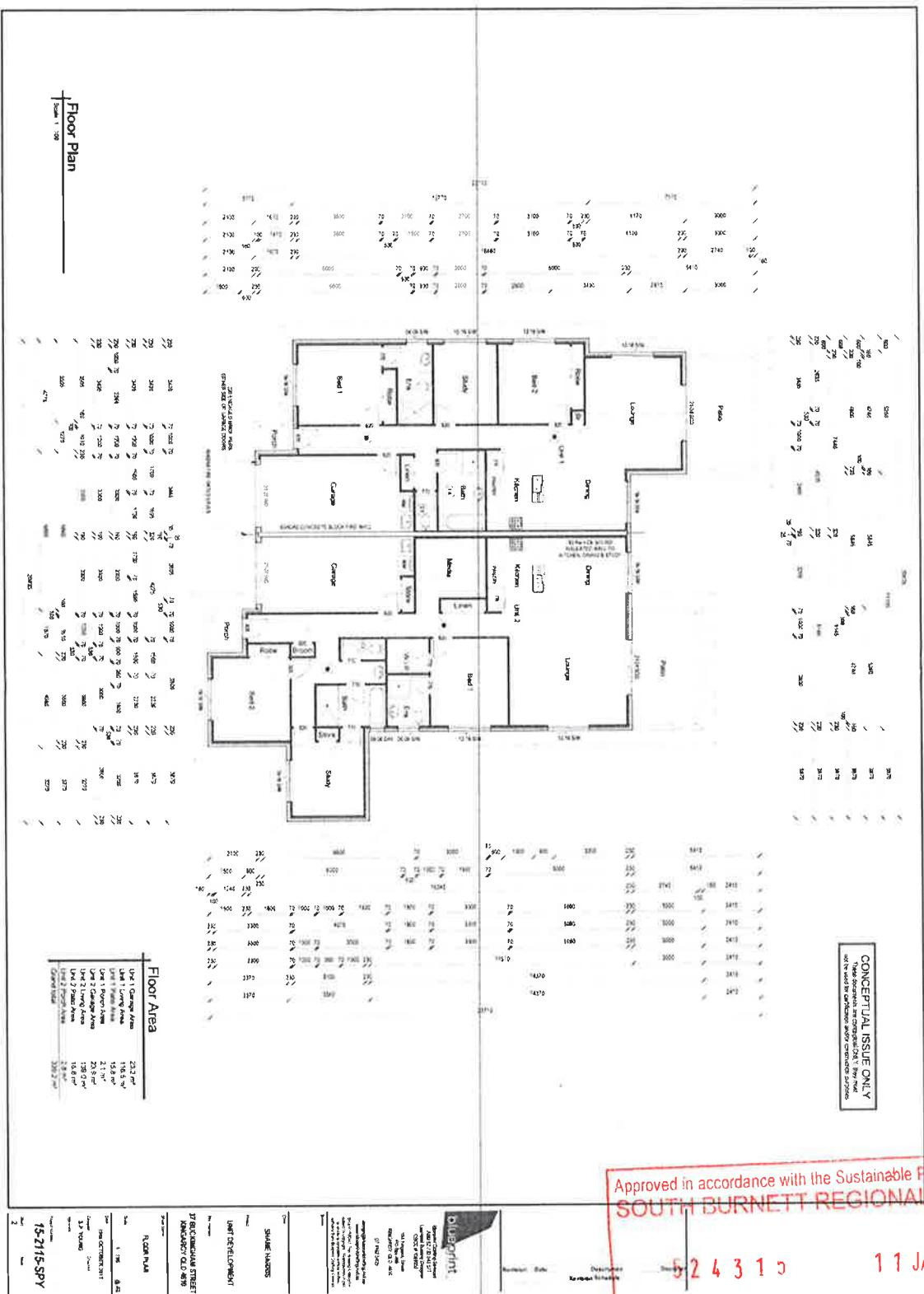
- a) the applicant's Appeal Period commences upon receipt of this advice and expires twenty (20) business days thereafter.
- b) should the applicant notify the Assessment Manager (Council) in writing of acceptance of the conditions of approval and that it is not intended to make an appeal, the Applicant's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

ATTACHMENT A
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Approved Plans



ATTACHMENT A
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Approved in accordance with the Sustainable Planning Act 2009
SOUTH BURNETT REGIONAL COUNCIL

SOUTH BURNETT REGIONAL COUNCIL

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11 JAN 2016

Approved Type

mcw-DP

ATTACHMENT A
ASSESSMENT MANAGER'S REPORT
SOUTH BURNETT REGIONAL COUNCIL



Adopted Infrastructure Charges Notice

To: Salt Enterprises (Australia) Pty Ltd
C/- O'Reilly Nunn Favier
PO Box 896
KINGAROY QLD 4610

Date of Issue: 11 January 2016

Reference Number: IR1524315

Amount of the Charge: \$ 8,896.00

Land to which the charge applies: 37 Buckingham Street, Kingaroy (and described as Lot 173 on SP219379)

The person to whom the charge must be paid: South Burnett Regional Council

When the charge is payable: **Material Change of Use:** Before the change happens (in accordance with Section 648H (c) of the *Sustainable Planning Act 2009*).

Advisory Notes:

- The abovementioned charge may in the future be indexed;
- Enquiries regarding this adopted infrastructure charges notice can be made by contacting Council's Coordinator, Infrastructure and Planning on 4189 9100;
- The apportionment of infrastructure charges to the relevant networks is proposed as follows:

Charge				
Residential (1 or 2 bedrooms)	per dwelling unit	two (2)	\$8,896.00	
				\$17,792.00
Credit				
For existing vacant lot	per lot	one (1)	\$8,896.00	
				\$8,896.00

Appeal Rights

Sustainable Planning Act 2009 IDAS Development Application

The following is an extract from the Sustainable Planning Act 2009

Division 8 Appeals to court relating to development applications and approvals

461 Appeals by applicants

(1) An applicant for a development application may appeal to the court against any of the following—

- (a) the refusal, or the refusal in part, of the development application;
- (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
- (c) the decision to give a preliminary approval when a development permit was applied for;
- (d) the length of a period mentioned in section 341;
- (e) a deemed refusal of the development application.

(2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the *applicant's appeal period*) after—

- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
- (b) otherwise—the day a decision notice was required to be given to the applicant.

(3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

(1) A submitter for a development application may appeal to the court only against—

- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
- (b) the part of the approval relating to the assessment manager's decision under section 327.

(2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—

- (a) the giving of a development approval;
- (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.

(3) However, a submitter may not appeal if the submitter—

- (a) withdraws the submission before the application is decided; or
- (b) has given the assessment manager a notice under section 339(1)(b)(ii).

(4) The appeal must be started within 20 business days (the *submitter's appeal period*) after the decision notice or negotiated decision notice is given to the submitter.

464 Appeals by advice agency submitters

(1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

(2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—

- (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
- (b) any part of the approval relating to the assessment manager's decision under section 327.

(3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.

(4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

(1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

(3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.

(4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

(1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—

- (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
- (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.

(2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.

(3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.

(4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

(1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.