

**17 INFORMATION SECTION****17.1 LIST OF CORRESPONDENCE PENDING COMPLETION OF ASSESSMENT REPORT****File Number:** 17/08/2021**Author:** Administration Officer, Planning & Land Management**Authoriser:** Chief Executive Officer**PRECIS**

List of correspondence pending completion of assessment report

**SUMMARY**

Reports pending completion of assessment

**OFFICER'S RECOMMENDATION**

That the List of Correspondence pending completion of Assessment Report be received.

**REPORT****RAL21/0008** – Reconfiguration of a lot - 2 lots into 6 lots at Old Esk North Road, South East Nanango (and described as Lot 22 on SP181271)**RAL21/0009** - Reconfiguring a Lot (1 lot into 2 lots) and access easement (impact assessment) on land at 155-157 Haly Street, Kingaroy (and described as Lot 1 on RP102926)**RAL21/0010** - Change to development approval - Convert Preliminary approval to development permit at River Road, Kingaroy (and described as Lot 10 on RP204229)**RAL21/0011** - Reconfiguring a lot - 1 lot into 2 lots at 175 Blackbutt Crows Nest Road, Blackbutt South (and described as Lot 23 on RP179714)**RAL21/0012** - Reconfiguration of a lot - 2 lots into 3 lots at 3 Thelma Street, Kingaroy (and described as Lot 12 on RP71979)**MCU21/0009** – Minor change - Change to order of Staging, as per Staging plan 17-2477-SPY at 34 William Street (and described as Lot 100 on SP153314)**MCU21/0010** - Material Change of use for a Drive through food and drink outlet at 95 Youngman Street, Kingaroy (and described as Lot 8 on RP7924)**MCU21/0011** – Material Change of use - New dwelling house and garage on Lot 1 and new dwelling house on Lot 2 at Bunya Mountains road, Bunya Mountains (and described as Lot 1 & 2 on SP233439)**MCU21/0012** – Material Change of use - Eight short term accommodation units and proposed access easement A over lot 13 and 14 on SP212946 at 3 Evelyn Street, Kingaroy (and described as Lot 13 on SP212946)**MCU21/0013** – Material Change of use – Motor Sport Facility and Outdoor Sport and Recreation at Lewis Duff Road, Ballogie (and described as Lot 34 on BO44)**MCU21/0014** – Material Change of use – Dwelling house on freehold lot within community title scheme at Bunya Avenue, Bunya Mountains (and described as Lot 1 on SP308120)**ATTACHMENTS**

Nil

## 17.2 DELEGATED AUTHORITY REPORTS

**File Number:** 17/08/2021

**Author:** Administration Officer, Planning & Land Management

**Authoriser:** Chief Executive Officer

### PRECIS

Reports signed by the Chief Executive Officer under delegated authority.

### SUMMARY











This report comprises a listing of any reports approved by delegated authority.

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### OFFICER'S RECOMMENDATION

That the Delegated Authority report be received.

### ATTACHMENTS

1. Meeting Report for Reconfiguring of a lot (1 into 2 lots) at 5 - 7 Elizabeth Street, Taabinga - RAL21/0002 [↓](#) 
2. Meeting Report for Reconfiguration of a lot- Boundary Realignment (2 lots into 2 lots) at 281 Lancaster Road, Merlwood - RAL21/0005 [↓](#) 
3. Meeting Report Reconfiguration of a lot - Boundary Realignment (3 lots into 2) at 47, 45 & 43 Magnussens Drive, Tingoorra - RAL21/0006 [↓](#) 
4. Meeting Report for Reconfiguration of a lot - (1 lot into 5 lots and 2 easements) at Markwell Street, Kingaroy - RAL21/0001 [↓](#) 
5. Meeting Report for Reconfiguration of a lot – subdivision (1 lot into 2 lots) at 59 Bushnells Road, Nanango - RAL21/0003 [↓](#) 
6. Meeting Report for Operational Works Application for Stage 5D Summit View – Premier Drive, Kingaroy - OPW21/0003 [↓](#) 
7. Meeting Report for Expansion of existing Intensive Animal Industry (Feedlot) from 499 SCU to 2,300 SCU and ERA 2(1)(B) at 226 Mannuem Road, Mannuem - MCU19/0001 [↓](#) 
8. Meeting Report for Operational Works application – Earthworks for site remediation at 26-30 Stolzenberg Road, Kingaroy - OPW21/0004 [↓](#) 
9. Meeting Report for Change Application (Other Change) – Request to change existing approval for Material Change of Use – Retirement Facility Situated at 95 Markwell Street, Kingaroy - MCU21/0006 [↓](#) 
10. Negotiated Meeting Report for Request for Negotiated Decision Notice – Material change of use (Service station) at 4 Scott Street, Wondai - MCU20/0020 [↓](#) 

Delegated Authority

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**0.0 RECONFIGURING A LOT (1 INTO 2 LOTS) AT 5 - 7 ELIZABETH STREET, TAABINGA - LOT 1 ON SP219357 - APPLICANT: DAVISON SUPER PTY LTD C/- ONF SURVEYORS - RAL21/0002**

**File Number: RAL21/0002**

**Author: Senior Planner**

**Authoriser: Chief Executive Officer**

**PRECIS**

Reconfiguring a lot (1 into 2 lots) at 5 - 7 Elizabeth Street, Taabinga - Lot 1 on SP219357 - Applicant: Davison Super Pty Ltd C/- ONF Surveyors - RAL21/0002

**SUMMARY**

- The application seeks approval for a Development Permit for Reconfiguration of a Lot – Subdivision (1 into 2 lots).
- Boundary configuration as proposed:
  - Total area of existing lot 1 is 4,045m<sup>2</sup>;
  - Proposed lot 6 is 2,017m<sup>2</sup>;
  - Proposed lot 7 is 2,017m<sup>2</sup>.
- Proposed lot 6 will include the existing shed, and proposed lot 7 will be vacant with potential for a dwelling house.
- Access to the existing lot 1 is via Elizabeth Street.
- Proposed lots 6 and lot 7 will have access from Elizabeth Street.
- The subject site is located in the Rural residential zone of the South Burnett Regional Council Planning Scheme.
- The proposed subdivision intends to create lots below the minimum lot size of 2ha and therefore, the development is subject to impact assessment.
- The development application is assessed against the relevant codes and strategic framework of the South Burnett Regional Council Planning Scheme. Relevant codes including:
  - Reconfiguring a lot Code;
  - Rural residential zone Code;
  - Services and Works Code.
- No information request was issued by Council.
- The development application has undergone public notification as a requirement for impact assessment.
- The application has been assessed and the proposal generally meets the requirements of the planning scheme and relevant codes or has been conditioned to comply (refer attachment B – Statement of Reasons).
- Application recommended for approval subject to reasonable and relevant conditions.

**OFFICER'S RECOMMENDATION**

That Council approve the development permit for a Reconfiguring a lot for a subdivision 1 into 2 lots at 5-7 Elizabeth Street, Taabinga described as lot 1 on SP219357, subject to the following conditions.

**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:

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Drawing Title	Prepared by	Ref No.	Rev.	Date
Proposed subdivision	ONF Surveyors	9259 P/1	-	29/03/2021

GEN2. The development must be completed within four (4) years of the development approval starting to have effect. The development approval will lapse unless the survey plan for the development required to be given to Council for approval is provided within this period.

#### PERMIT TO WORK ON COUNCIL ROADS

GEN3. The applicant must submit a completed Permit to Work on Council Roads Application available from <http://www.southburnett.qld.gov.au> for approval by Council before commencing and works within the Council road reserve (i.e., in this case, the required property access).

#### COMPLIANCE

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

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

#### OUTSTANDING FEES

GEN5. Prior to sealing of Survey Plan the applicant is required to pay the Council all rates and charges or any expenses being charged over the subject land under any Act in accordance with Schedule 18 Section 69 of the *Planning Act Regulation 2017*.

GEN6. All works, including the repair or relocation of services (Telstra, lighting) is to be completed at no cost to Council.

#### LAND USE APPROVAL

GEN7. This approval permits the subject site (Lot 1 SP219357) to be subdivided into 2 lots (2,017m<sup>2</sup> each) as shown on the Approved Plans and does not imply approval of other uses on the site.

#### 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 correction position in accordance with the Survey Plan, and the work is to be certified in writing by a Licensed Surveyor.

#### VALUATION FEES

RAL2. Payment of *Department of Natural Resources and Mines* valuation fee that will result from the issue of split valuations prior to Council sealing the Survey Plan. The contribution is currently assessed at \$96.00 (2 x \$48.00); 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.

#### ENGINEERING WORKS

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

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

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Date: \_\_\_\_\_

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

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

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

#### **STORMWATER MANAGEMENT**

- ENG6. Provide overland flow paths that do not alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
- ENG7. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

#### **WATER SUPPLY**

- ENG8. Connect each lot to Council's reticulated water supply system.
- ENG9. Design and construct all works in accordance with Council's requirements as set out in the *WBBROC Design and Construction Standards*.
- ENG10. Install a separate water service connection to each lot per Council's standards.

#### **ON-SITE WASTEWATER DISPOSAL**

- ENG11. Future Dwellings must be connected to an on-site wastewater disposal system, in accordance with AS 1547 and the Queensland Plumbing and Waste Water Code.

#### **VEHICLE ACCESS**

- ENG12. For each proposed lot, construct a 2 coat bitumen sealed crossover having a minimum width of 4 metres generally in accordance with Council's Standard Drawing No. 00049 Plan B, at the locations shown on ONF Dwg No. 9259 P/1.

Note: The accesses shall be construction under a [Permit to Work on Council Roads or Footpaths Application](#).

#### **TELECOMMUNICATION**

- ENG13. Design and provide underground telecommunications to all lots within the development.

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#### **ELECTRICITY**

- ENG14. Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity for the development.  
Prior to Council sealing the Survey Plan the applicant is to provide each lot with an electricity supply ie. Service line. The standards of service nominated by the electricity supply authority with reticulated electricity to be made available at the property boundary.

#### **SERVICES - EXISTING CONNECTIONS**

- ENG15. Ensure that all services provided to the existing shed on proposed Lot 6 are wholly located within the lot(s) it serves.

#### **ADVICE**

- ADV1. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding. A search can be arranged by visiting <https://www.datsip.qld.gov.au> and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

#### **APPEAL RIGHTS**

- ADV2. Attached for your information is a copy of Chapter 6 of the Planning Act 2016 as regards Appeal Rights.

#### **INFRASTRUCTURE CHARGES NOTICE**

- ADV3. Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 119 of the Planning Act 2016.

#### **DEVELOPER INCENTIVE SCHEME**

- ADV4. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 30 June 2022. Eligible development under this scheme is required to be completed by 30 June 2022.

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

#### **TELECOMMUNICATIONS CONNECTIONS**

- ADV5. Telecommunication connections can be arranged by logging onto Telstra's website (<http://www.telstra.com.au/smart-community/developer/index.htm>) and completing the 'Application for Reticulation'.

#### **ELECTRICITY CONNECTIONS**

- ADV6. Council would encourage you to discuss the development with Ergon Energy upon receipt of this approval to facilitate the timely supply of electricity to the development. Connection of electricity can take up to eight (8) months from the date of application to Ergon Energy.

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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**

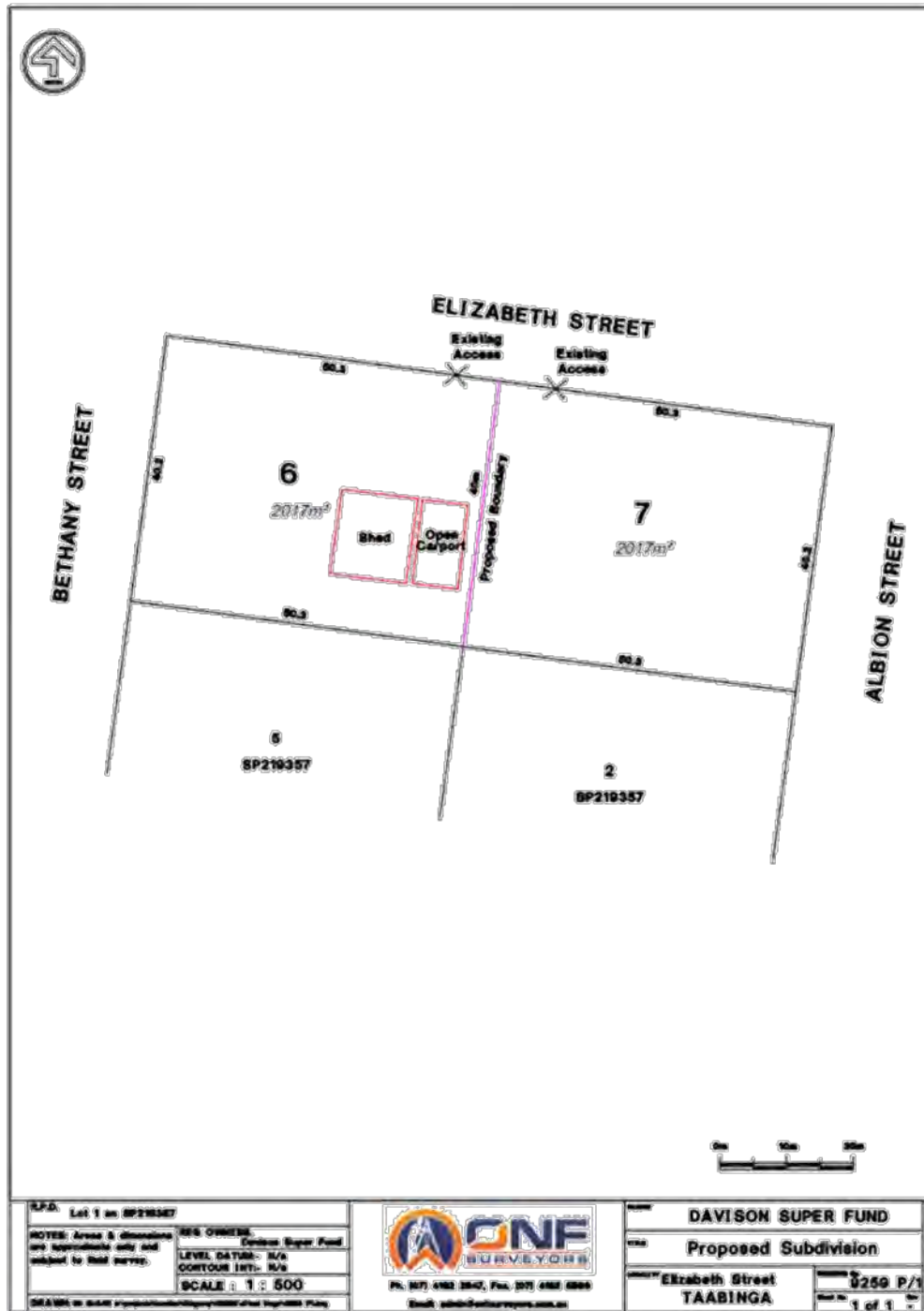
No implication can be identified.



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**PROPOSAL PLAN**



<p>S.P.D. Lot 1 on SP219357</p> <p>NOTES: Areas &amp; dimensions are approximate only and subject to field survey.</p>		<p>RES OWNERS: Davison Super Fund</p> <p>LEVEL DATUM: M/A CONTOUR INT: M/A</p> <p>SCALE: 1 : 500</p> <p>SEARCHED ON 20/08/2021</p>	<p>Ph: (07) 452 2547, Fax: (07) 452 2555 Email: admin@aone-surveyors.com.au</p>	<p>PROJECT: DAVISON SUPER FUND</p> <p>TITLE: Proposed Subdivision</p> <p>ADDRESS: Elizabeth Street TAABINGA</p> <p>SECTION: 3259 P/1 Sheet No: 1 of 1</p>
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Source 1: Applicant



Delegated Authority \_\_\_\_\_ Date: \_\_\_\_\_

**REPORT**

The applicant seeks approval for a reconfiguration of a lot – 1 into 2 Lots.

<b>APPLICATION SUMMARY</b>	
<b>Applicant:</b>	Davison Super Pty Ltd C/- ONF Surveyors
<b>Proposal:</b>	Reconfiguring a lot – 1 into 2 lots
<b>Properly Made Date:</b>	29 March 2021
<b>Street Address:</b>	5 – 7 Elizabeth Street, Taabinga
<b>RP Description:</b>	Lot 1 on SP219357
<b>Assessment Type:</b>	Impact Assessable
<b>Number of Submissions:</b>	Nil
<b>State Referral Agencies:</b>	N/A
<b>Referred Internal Specialists:</b>	Development Engineer

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

	<b>DEVELOPMENT PARAMETERS</b>
<b>Number of Proposed Lots</b>	2
<b>Size of Proposed Lots</b>	2,017m <sup>2</sup> each
<b>Easements</b>	Nil
<b>Covenants</b>	Nil

**SITE DETAILS:**

<b>SITE AND LOCALITY DESCRIPTION</b>		
<b>Land Area:</b>	2,034m <sup>2</sup>	
<b>Existing Use of Land:</b>	Builders yard (2 sheds fenced off)	
<b>Road Frontage:</b>	100.6m	
<b>Road/s</b>	<b>Road Hierarchy</b>	
Elizabeth Street	Place	
Bethany Street	Place	
Albion Street	Place	
<b>Easements</b>	Nil	
<b>Significant Site Features:</b>	Nil	
<b>Topography:</b>	Relatively flat	
<b>Surrounding Land Uses:</b>	<b>Land Use</b>	<b>Zone/Precinct</b>
<b>North</b>	Dwellings	Rural residential
<b>South</b>	Dwellings	Rural residential
<b>East</b>	Dwellings	Rural residential
<b>West</b>	Dwellings	Rural residential
<b>Services:</b>	Water supply, roads, electricity, existing on-site sewerage on proposed lot 6.	

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**Background / Site History**

<b>APPLICATION NO.</b>	<b>DECISION AND DATE</b>
N/A	N/A

**ASSESSMENT:**

**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.

**Assessment Benchmarks Pertaining to the Planning Regulation 2017**

The following Assessment Benchmarks from the *Planning Regulation 2017* are applicable to this application:

<b>PLANNING REGULATION 2017 DETAILS</b>	
<b>Assessment Benchmarks:</b>	State Planning Policy – The SPP is reflected in the South Burnett Regional Planning Scheme 2017.
<b>Wide Bay Burnett Regional Plan Designation:</b>	The Wide Bay Burnett Regional Plan is reflected in the South Burnett Regional Planning Scheme 2017.

The proposed development complies with the intent of both the SPP and WBB Regional Plan.

**Assessment Benchmarks Pertaining to the Planning Scheme**

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

<b>Planning Scheme:</b>	South Burnett Regional Council Planning Scheme Version 1.4
<b>Strategic Framework Land Use Category:</b>	Rural
<b>Zone:</b>	Rural residential
<b>Precinct:</b>	N/A
<b>Assessment Benchmarks:</b>	<ul style="list-style-type: none"> <li>• Strategic framework</li> <li>• Rural residential zone Code</li> <li>• Reconfiguring a lot Code</li> <li>• Services and works Code.</li> </ul>

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**STATUTORY REQUIREMENTS**

Assessment Benchmarks:

Strategic Framework

The Strategic Framework considers the following matters:

- Settlement Pattern
- Rural Futures
- Strong Economy
- Natural Systems & Sustainability
- Strong Communities
- Infrastructure & Servicing

<b>STRATEGIC FRAMEWORK</b>	
<b>THEME</b>	<b>ASSESSMENT COMMENTS</b>
Settlement Pattern	<p>Specific outcomes 3.2.1.1 (13) "Rural residential development provides a legitimate lifestyle choice where existing services and infrastructure can support this development or augmented without difficulty. New allotments outside the areas nominated in the Strategic Framework map are likely to be resisted unless there is legitimate planning need and the productive values of agricultural land and regional ecosystem values are not compromised."</p> <p>Specific outcomes 3.2.1.1 (14) "New rural residential development is consolidated in areas nominated on the Strategic Framework map – which are generally close to Kingaroy and the other towns – to maintain good access to services, employment and existing infrastructure. Additional areas may be considered only where there is a legitimate, demonstrated planning need for additional allotments and they retain the fundamentals of good access to urban services via good quality roads, no loss of good quality agricultural land or remnant regional ecosystem vegetation, minimal erosion and flood-free, fire-resistant and moderately sloped house sites."</p> <p><b>The subject property is outside of the consolidated areas nominated in the Strategic Framework. However, the Taabinga residential area offers an alternative lifestyle choice – larger allotments "out of town" but, in close proximity to Kingaroy (less than 10 minutes' drive). The property has access to a bitumen sealed road, electricity, telecommunications and is within Council's water supply catchment. The property maintains good access to urban services via the Kingaroy Cooyar Road (state-controlled road). The subdivision does not result in a loss of any agricultural land or remnant regional ecosystem vegetation as the property is currently 4,045m<sup>2</sup> and cleared of vegetation. The property is not located within the flood hazard overlay or the bushfire hazard overlay.</b></p> <p><b>The allotments surrounding the subject site are also located in the rural residential zone and consist of predominately 2ha lot sizes and rectangular shapes. Therefore, the proposed lot configuration (size and shape) will be consistent with the settlement pattern of the Taabinga residential area.</b></p> <p><b>It is considered the proposed development complies with the requirements of the Settlement Pattern theme.</b></p>
Rural Features	N/A - The subject property and surrounding allotments are located in the rural residential zone and outside of the Important Agricultural areas on State Planning Policy Mapping.
Strong Economy	N/A
Natural Systems & Sustainability	The proposed development is not located on any areas of environmental significance or wetlands. The subject site will not necessitate clearing of vegetation as it is already cleared. The development will be conditioned to manage land

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	<p>degradation and to reduce the risk on water quality and biodiversity in the surrounding area.</p> <p>It is considered the proposed development complies with the requirements of the Natural Systems &amp; Sustainability theme.</p>
Strong Communities	<p>The proposed subdivision is consistent with the surrounding area and allows for 2 single dwelling houses to be built on the site, growing the Taabinga neighbourhood. The subject site and surrounding area have access to a bitumen sealed road, electricity, telecommunications, water supply, waste collection and mail delivery services.</p> <p>It is considered the proposed development complies with the requirements of the Strong Communities theme.</p>
Infrastructure & Servicing	<p>The proposed development will have access to the existing reticulated water supply, telecommunication and electricity infrastructure surrounding the site.</p> <p>The proposed development will be designed to effectively manage wastewater and stormwater coming onto and leaving the site. The impacts of storm water runoff generated by the additional lot can be adequately managed by condition of the development approval so the impact of receiving waters is minimised.</p> <p>It is considered the proposed development complies with the requirements of the Infrastructure &amp; Servicing theme.</p>

The Strategic Framework does not form part of the Assessment Benchmarks. The *Planning Act 2016* requires that code assessable applications must only be assessed against the Assessment Benchmarks.

Assessment Benchmarks – Planning Scheme Codes

The application has been assessed against each of the applicable codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below:

ACCEPTABLE OUTCOME	ASSESSMENT MANAGER'S RESPONSE
<b>RURAL RESIDENTIAL ZONE CODE</b>	
<b>Section 1 - General</b>	
<b>PO1</b> Buildings and structures must complement the semi-rural character of nearby development and protects residential amenity.	Complies - No new buildings or structures are proposed as a part of this development application. The proposed lot configuration is a suitable size for a dwelling.
<b>AO1.1</b> Site cover does not exceed 10%. and <b>AO1.2</b> Buildings and structures are not higher than 8.5m above ground level. and <b>AO1.3</b> Buildings have a minimum set back of: (a) 10m to the road frontage; (b) 6m to a side or rear boundary. and <b>AO1.4</b> The maximum length of any façade without articulation or change of materials is 15m. and <b>AO1.5</b> On-site storage areas visible from outside the site are screened by a 1.8m high fence along intervening boundaries. and	N/A – No new buildings or structures are proposed.

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<p><b>AO1.6</b> Outdoor lighting is designed, installed and maintained in accordance with AS4282 – <i>Control of the Obtrusive Effects of Outdoor Lighting</i>.</p>	
<p><b>PO2</b> Development minimises the potential for reverse amenity impacts for adjoining existing non-residential activities.</p>	<p>Complies - The surrounding land uses are residential. The proposed subdivision will allow for the block to be utilised for residential purposes, creating an additional lot and potential future dwelling.</p>
<p><b>AO2.1</b> A well-maintained vegetative buffer is provided on the residential land between the residential development and adjacent existing non-residential use.</p>	<p>The allotments surrounding the subject site are of a residential use and no amenity impacts are expected.</p>
<p><b>PO3</b> Dwellings are to be adequately serviced.</p>	<p>Complies - The subject site has access to the surrounding telecommunications, electricity, and water supply network.</p>
<p><b>AO3.1</b> Where in a reticulated water supply area, development is to be connected to the supply network. or <b>AO3.2</b> Where reticulated water supply is not available, a 45kl water tank is provided for each dwelling for consumption purposes and an additional 22.5kl water storage located no more than 10m from the main dwelling is available for fire fighting purposes. and <b>AO3.3</b> The provision of on-site sewage treatment conforms to the requirements of the Queensland Plumbing and Wastewater Code. and <b>AO3.4</b> Each dwelling is provided with a service line connection to the electricity supply and telecommunications networks. and <b>AO3.5</b> Stormwater discharge must be to a lawful point of discharge or to downstream properties but only with the consent of the affected landowners. and <b>AO3.6</b> Development has direct access to a sealed road.</p>	<p>Complies – The site is currently connected to Council’s reticulated water supply.</p> <p>N/A</p> <p>Complies – This application was accompanied by a waste-water report, confirming adequate area to install onsite sewerage treatment for any potential future dwellings.</p> <p>Conditioned to comply – Applicant has started process with Ergon to have the new lot connected to electricity.</p> <p>Conditioned to comply.</p> <p>Complies – The proposed lots have existing access onto Elizabeth Street which is sealed with bitumen.</p>
<p><b>PO4</b> 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 (b) Unacceptable levels of contaminants.</p>	<p>N/A – Site not known to be contaminated.</p>
<p><b>AO4.1</b> Development does not occur: (a) In areas that pose a health risk from previous activities; and (b) On sites listed on the Contaminated Land Register or Environmental Management Register. or <b>AO4.2</b> Areas that pose a health risk from previous activities and contaminated soils which</p>	<p>N/A – Site is not located on the CLR or EMR.</p>

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are subject to development are remediated prior to plan sealing, operational works permit, or issuing of building works permit.	
<b>Section 5 – For development affected by one or more overlays</b>	
<b>Airport Environs overlay</b>	
<b>Public Safety Sub Area</b>	
<b>PO10</b> Development located at the end of runways does not increase the risk to public safety.	N/A – The site is not located within the public area nominated on Overlay Map 1.
<b>AO10.1</b> Development does not include the following within an airport’s public safety area as depicted on Overlay Map 01: (a) a significant increase in the number of people living, working or congregating in PSAs, such as accommodation activities (b) uses that attract large numbers of people (recreation activities, shopping centres, industrial or commercial uses involving large numbers of workers or customers); (c) community activities (e.g. education establishments, hospitals) (d) the manufacture, use or storage of flammable, explosive, (e) hazardous or noxious materials	N/A
<b>RECONFIGURING A LOT CODE</b>	
<b>Section 3 – All other reconfiguration</b>	
<b>PO7</b> Allotments are of sufficient size and dimensions to meet the requirements of the users and provide for servicing of the intended use.	Complies - The proposed lots are 2,017m <sup>2</sup> each. A sufficient size for a dwelling and an on-site sewerage system.
<b>AO7.1</b> Development provides that allotment area, dimension and shape are in accordance with the standards in Table 8.4.2. and <b>AO7.2</b> The minimum allotment size for any rear allotment shall be calculated exclusive of the area of the access corridor of the allotment. and <b>AO7.3</b> Irregularly shaped allotments are designed to allow a building area of 15m by 10m to be setback 6m from the site frontage.	The proposed lot sizes are not in accordance with the minimum lot size prescribed for the rural residential zone in Table 8.4.2. However, the lot shape and size (approx. 2ha) is consistent with majority of lots in the Taabinga residential area. Majority of lots being approx. 2ha and a rectangular shape.  N/A  N/A - Lot shape is not irregular.
<b>PO8</b> Lots have lawful, safe and practical access	Complies – The proposed lots have lawful, safe and practical access onto sealed Elizabeth Street. Engineering conditions applied for upgrade of accesses.
<b>AO8.1</b> Access is provided via either: (a) Direct road frontage; (b) Access strip with a minimum width of 3.5m (for rear lots only); or (c) Access easement with a minimum width of 6m (where lots only have legal road frontage that does not provide, safe or practical access to the existing street network). and	Complies – Lots have access to direct road frontage.

Delegated Authority	Date:
<p><b>AO8.2</b> Newly created lots do not have direct access to sub-arterial or higher order roads. and <b>AO8.3</b> Except in the Rural Zone, new lots, are provided with access to a sealed road.</p>	<p>Complies – Elizabeth street is not categorised sub-arterial or high order road.  Complies – Elizabeth street is bitumen sealed.</p>
<p><b>PO9</b> The number of rear lots is minimised having regard to the outlook, topography of the site, intended land use and general amenity of the area.</p>	<p>Complies – No rear lots are proposed.</p>
<p><b>AO9.1</b> Only one rear lot is provided behind each full street frontage regular lot. and <b>AO9.2</b> No more than two rear lot access strips directly adjoin each other. and <b>AO9.3</b> No more than two rear lots gain access from the head of a cul-de-sac. and <b>AO9.4</b> Rear lots are only created where the site gradient is greater than 5%.</p>	<p>N/A</p>
<p><b>PO10</b> The design and construction of new roads: (a) Maintain safe and efficient access to the transport network; (b) Creates integrated neighbourhoods; and (c) Are constructed to a standard that is commensurate with the intended use of allotments.</p>	<p>N/A – No new roads are proposed.</p>
<p><b>AO10.1</b> Intersection shall be spaced at no less than 45m from any other intersection. and <b>AO10.2</b> Any intersections with existing roads shall be treated with a T-intersection or a roundabout. and <b>AO10.3</b> The road layout indicates connections to adjoining development sites. and <b>AO10.4</b> Other than in the Rural or Rural Residential Zones, new streets are provided with layback kerb and channel. or <b>AO10.5</b> In the Rural Residential Zone, new streets are provided with concrete flush kerbs and swale drains.</p>	<p>N/A – Development does not propose any new roads and does not require upgrade to existing Taabinga street network.</p>
<p><b>PO11</b> The provision of services is resistant to inclement weather and does not degrade the character of the area.</p>	<p>Complies – Water supply network, electricity, and telecommunication services already available in the area.</p>
<p><b>AO11.1</b> Where the reconfiguration involves the opening of a new road, all electricity and telecommunications services are located underground.</p>	<p>N/A – The development does not involve opening a new road.</p>



Delegated Authority	Date:
<b>PO12</b> Reconfiguration facilitates integration of walking and cycling networks that provide a safe and convenient environment for users having regard to appropriate gradients and distances to be travelled.	N/A – The proposed development does not necessitate the construction of any new walking or cycling paths.
No outcome specified.	N/A
<b>PO13</b> Public open space is provided in response to community need.	N/A – The proposed development does not necessitate the need to provide community open space.
<b>AO13.1</b> Public open space is provided in accordance with the Priority Infrastructure Plan.	N/A
<b>SERVICES AND WORKS CODE</b>	
<b>Section 1 - General</b>	
<b>PO1</b> The development is planned and designed considering the land use constraints of the site for achieving stormwater design objectives.	Complies – No changes to the existing characteristics of the site are proposed.
<b>AO1.1</b> A stormwater quality management plan provides for achievable stormwater quality treatment measures that meet the design objectives identified in Table 9.4.4.	N/A - This development application does not necessitate the need for a stormwater quality management plan.
<b>PO2</b> Development does not discharge wastewater to a waterway or off-site unless demonstrated to be best practice environmental management for that site.	Complies – On-site wastewater treatment system can be implemented on site by future household.
<b>AO2.1</b> 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 <b>AO2.2</b> Wastewater is managed in accordance with a waste management hierarchy that: (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.	N/A - This development application does not necessitate the need for a wastewater management plan.
<b>PO3</b> Construction activities avoid or minimise adverse impacts on stormwater quality.	N/A – No construction activities are proposed.
<b>AO3.1</b> An erosion and sediment control plan addresses the design objectives for the construction phase in Table 9.4.4.	N/A - This development application does not necessitate the need for a sediment control plan.
<b>PO4</b> Operational activities avoid or minimise changes to waterway hydrology from adverse impacts of altered stormwater quality and flow.	N/A – No operational activities proposed.
<b>AO4.1</b> Development incorporates stormwater flow control measures to achieve the design objectives for the post-construction phase in Table 9.4.4.	N/A

Delegated Authority

Date:

<b>Section 2 - Infrastructure</b>	
<b>PO5</b> 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.	Complies – Existing infrastructure is provided to an acceptable standard.
<b>AO5.1</b> Except in the Rural zone, all development occurs on a site with frontage to a sealed road. and <b>AO5.2</b> Infrastructure is designed and constructed in accordance with the standards contained in PSP1 – Design and Construction Standards.	Complies – Lots have access from Elizabeth Street, which is sealed with bitumen.  Complies – Lots have been adequately serviced in accordance with required standards. Further servicing including access, electricity etc has been conditioned.
<b>Section 3 – Vehicle Parking</b>	
<b>PO6</b> Vehicle parking and access is provided to meet the needs of occupants, employees, visitors and other users.	N/A
<b>AO6.1</b> Vehicle parking spaces are provided on-site in accordance with Table 9.4.5. and <b>AO6.2</b> A service bay is provided on-site for the service vehicle nominated in Table 9.4.5. and <b>AO6.3</b> Driveway crossings are provided to the standard contained in PSP1 – Design and Construction Standards. and <b>AO6.4</b> Vehicle parking and manoeuvring areas are provided in accordance with the standards contained in PSP1 – Design and Construction Standards.	N/A
<b>Section 4 - Landscaping</b>	
<b>PO7</b> Landscaping is appropriate to the setting and enhances local character and amenity.	N/A – This development proposal does not necessitate the need for landscaping.
<b>AO7.1</b> Landscaping is provided in accordance with the relevant zone code provisions. and <b>AO7.2</b> Where shade tree planting is required in vehicle parking areas each planting bed has a minimum area of 2m <sup>2</sup> and is unsealed and permeable. and <b>AO7.3</b> 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.	N/A
<b>PO8</b> Plant species avoid adverse impacts on the natural and built environment, infrastructure and the safety of road networks.	N/A
<b>AO8.1</b> Landscaping utilises plant species that are appropriate for the location and intended purpose of the landscaping. and	N/A

Delegated Authority

Date:

<p><b>AO8.2</b> 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><b>Section 5 – Filling and Excavation</b></p>	
<p><b>PO9</b> Development results in ground levels that retain:</p> <p>(a) access to natural light;</p> <p>(b) aesthetic amenity;</p> <p>(c) privacy; and</p> <p>(d) safety.</p>	<p>N/A – No cut or fill works are proposed.</p>
<p><b>AO9.1</b> The depth of:</p> <p>(a) fill is less than 2m above ground level; or</p> <p>(b) excavation is less than 2m below ground level.</p> <p>and</p> <p><b>AO9.2</b> 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><b>AO9.3</b> Works do not occur on slopes over 15% in grade.</p> <p>and</p> <p><b>AO9.4</b> Retaining walls over 1m in height are terraced 1.5m for every 1m in height and landscaped.</p> <p>and</p> <p><b>AO9.5</b> Batter slopes are not steeper than 25% and are grassed and terraced 1.5m for every 1m in height.</p> <p>and</p> <p><b>AO9.6</b> 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 nuisance occurs on adjoining lots.</p>	<p>N/A – No cut or fill works are proposed.</p>
<p><b>PO10</b> Filling or excavation does not cause damage to public utilities.</p>	<p>N/A - No cut or fill works are proposed.</p>
<p><b>AO10.1</b> Filling or excavation does not occur within 2m horizontally of any part of an underground water supply, sewerage, stormwater, electricity or telecommunications system.</p>	<p>N/A</p>
<p><b>PO11</b> Filling and excavation avoids water ponding on the premises or nearby premises that will adversely impact on the health of the community.</p>	<p>N/A - No cut or fill works are proposed.</p>
<p><b>AO11.1</b> Following filling or excavation:</p> <p>(a) the premises:</p> <p>(i) are self-draining; and,</p> <p>(ii) has a minimum slope of 0.25%; and,</p>	<p>N/A</p>

Delegated Authority

Date:

<p>(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.</p>	
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**Local Categorising Instrument - Variation Approval**

Not applicable.

**Local Categorising Instrument - Temporary Local Planning Instrument**

Not applicable.

**Other Relevant Matters**

Not applicable.

Delegated Authority \_\_\_\_\_

Date: \_\_\_\_\_

**Locality Plan**



Figure 1 - Aerial Image (Source: Qld Globe)

**Aerial Plan**



Figure 2 - Locality Plan (Source: IntraMaps)

Delegated Authority \_\_\_\_\_ Date: \_\_\_\_\_

**CONSULTATION:**

**Referral Agencies**

Not applicable.

**Other Referrals**

<b>INTERNAL SPECIALIST</b>	<b>REFERRAL / RESPONSE</b>
Development Engineer	Council's Development Engineer provided comments in relation to Infrastructure Charges and conditions.
Infrastructure Charges Unit	<p>Council adopted the LGIP on 24 June 2019 which commenced on 1 July 2019. Refer to Charges Resolution No. 3.</p> <p>The types of development that may trigger the issuing of an infrastructure charges notice are:</p> <ul style="list-style-type: none"> <li>a) Reconfiguring a lot;</li> <li>b) Making a Material Change of Use;</li> <li>c) Carrying out Building Work.</li> </ul> <p>The property is within the Water Supply Network, Transport Network, Parks and Land for Community Facilities Network, and Stormwater Network.</p> <p>Refer to the Infrastructure Charges Notice attached as Attachment A.</p>

**Public Notification**

Within the terms of the South Burnett Regional Council the proposed Development is Impact assessable and is required to be Publicly Notified in term of Development Assessment Rules.

The development was publicly notified between the 22<sup>nd</sup> of April 2021 to the 18<sup>th</sup> of May 2021. No public submissions were received from this process.

**CONCLUSION:**

The proposed development has been assessed with regard to the applicable assessment benchmarks as identified within the report and impact assessment procedures. The proposal generally complies with the Assessment Benchmarks of the Rural Residential zone Code, Reconfiguring a lot Code, Services and Works Code and Strategic Framework within the South Burnett Regional Council Planning scheme.

The performance outcome is supported on balance, having regard to the site's context and the planning framework. The lot sizes will continue the existing pattern of subdivision surrounding the subject site and provides for housing choice and diversity in the region.

**RECOMMENDATION:**

It is recommended that the Reconfiguring a Lot application (1 into 2 lots) at 5-7 Elizabeth Street, Taabinga (and described as Lot 1 on SP219357) be approved subject to reasonable and relevant pursuant to Section 60 of the Planning Act 2016.

Delegated Authority

Date:

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**ATTACHMENTS**

**NII**



Delegated Authority

Date:

**Attachment A**

**INFRASTRUCTURE CHARGES NOTICE**

*(Section 119 of the Planning Act 2016)*

**APPLICANT:** Davison Homes  
C/- O'Reilly Nunn Favier - ONF Surveyors  
PO Box 896  
KINGAROY QLD 4610

**APPLICATION:** Reconfiguring a lot - 1 into 2 lots (Impact assessable)

**DATE:** 08/07/2021

**FILE REFERENCE:** RAL21/0002

**AMOUNT OF THE LEVIED CHARGE:** **\$14,662.00** **Total**  
*(Details of how these charges were calculated are shown overleaf)*

\$9,842.00	Water Supply Network
\$0.00	Sewerage Network
\$2,410.00	Transport Network
\$2,009.00	Parks and Land for Community Facilities Network
\$401.00	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 1 SP219357

**SITE ADDRESS:** 5-7 Elizabeth St, Taabinga

**PAYABLE TO:** **South Burnett Regional Council**

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

**OFFSET OR REFUND:** Not Applicable.

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

Delegated Authority \_\_\_\_\_

Date: \_\_\_\_\_

**DETAILS OF CALCULATION**

**Water Supply**

**Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot (1 into 2)	2	allotments	\$9,842.00	CR Table 2.3	\$19,684.00

**Discounts\***

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Lot	1	allotment	\$9,842.00	CR Table 2.3	\$9,842.00

**Sewerage**

**Adopted Charges**

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

**Discounts\***

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

**Transport**

**Adopted Charges**

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

**Discounts\***

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Lot	1	allotment	\$2,410.00	CR Table 2.3	\$2,410.00

**Parks and Land for Community Facilities**

**Adopted Charges**

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

**Discounts\***

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Lot	1	allotment	\$2,009.00	CR Table 2.3	\$2,009.00

Delegated Authority \_\_\_\_\_

Date: \_\_\_\_\_

**Stormwater**

**Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot (1 into 2)	2	allotments	\$401.00	CR Table 2.3	\$802.00

**Discounts<sup>a</sup>**

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Lot	1	allotment	\$401.00	CR Table 2.3	\$401.00

**Levied Charges**

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Reconfiguring a Lot (1 into 2)	\$9,842.00	\$0.00	\$2,410.00	\$2,009.00	\$401.00	\$14,662.00
<b>Total</b>	<b>\$9,842.00</b>	<b>\$0.00</b>	<b>\$2,410.00</b>	<b>\$2,009.00</b>	<b>\$401.00</b>	<b>\$14,662.00</b>

<sup>a</sup> 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.

Delegated Authority

Date:

## INFORMATION NOTICE

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

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<sup>1</sup> 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.

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**Delegated Authority****Date:**

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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, Wondal, 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](mailto:info@southburnett.qld.gov.au)

Delegated Authority \_\_\_\_\_

Date: \_\_\_\_\_

**Attachment B**

**NOTICE ABOUT DECISION – STATEMENT OF REASONS**

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

The development application for:

<b>Type of Approval</b>	Reconfiguring a lot – Development permit
<b>Level of Assessment</b>	Impact
<b>Application No</b>	RAL21/0002
<b>Name of Applicant</b>	Davison Super Pty Ltd C/- ONF Surveyors
<b>Street Address</b>	5-7 Elizabeth Street, Taabinga
<b>Real Property Address</b>	Lot 1 on SP219357

On 8 July 2021 the above development was:

Approved in full, with conditions.

**1. Reasons for the Decision**

The reasons for this decision are:

- The proposal will create an opportunity for future rural residential living consistent with the intent of the zone.
- The land use will continue to be utilised for rural residential activities, consistent with the surrounding area.
- The proposed lot configuration (size and shape) is consistent with that of the Taabinga residential area and the existing surrounding subdivision pattern of the locality.
- The land is easily serviceable with urban utilities and is well located to urban services nearby.
- There is no infrastructure or natural hazard constraints applicable that would not support the application.

**2. Assessment Benchmarks**

The following benchmarks apply to this development:

- Strategic Framework
- Reconfiguring a lot code
- Rural residential zone code
- Services and works code

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



Delegated Authority \_\_\_\_\_ Date: \_\_\_\_\_

**0.0 RECONFIGURATION OF A LOT- BOUNDARY REALIGNMENT (2 LOTS INTO 2 LOTS) AT 281 LANCASTER ROAD, MERLWOOD (AND DESCRIBED AS LOTS 20 & 301 ON FY2416) - APPLICANT: RK & BS SHAILER C/- ONF SURVEYORS**

**File Number:** RAL21/005  
**Author:** Student Planner  
**Authoriser:** Chief Executive Officer

**PRECIS**

Reconfiguration of a lot- Boundary Realignment (2 lots into 2 lots) at 281 Lancaster Road, Merlwood (and described as Lots 20 & 301 on FY2416) - Applicant: RK & BS Shailer C/- ONF Surveyors

**SUMMARY**

- The applicant seeks approval for a Development Permit for Reconfiguring a Lot – Boundary Realignment (2 into 2 lots).
- Lot configuration is as follows:
  - Total area of existing lot 301 is 8.78 hectares.
  - Total area of existing lot 20 is 55.891 hectares.
  - Proposed lot 1 is 3.6 hectares.
  - Proposed lot 2 is 51 hectares.
- Proposed lot 1 will contain the existing drying sheds associated with the Duboisia processing of crops on the surrounding site.
- Proposed lot 2 will contain the existing dwelling.
- The boundary realignment aims to retain the Duboisia drying sheds on a separate lot to the dwelling house for business purposes.
- Existing lots gain access from Lancasters Road.
- Proposed lots to maintain existing accesses off Lancasters Road.
- The subject site is located in the Rural Zone of the South Burnett Regional Council Planning Scheme.
- Boundary realignment development applications are subject to code assessment.
- The development application is assessed against the relevant codes of the South Burnett Regional Council Planning Scheme. Relevant codes including:
  - Reconfiguring a lot code;
  - Rural Zone code;
  - Services and works code.
- No information request was issued by Council.
- The application has been assessed and the proposal generally meets the requirements of the planning scheme and relevant codes or has been conditioned to comply (refer attachment A – Statement of Reasons).
- Application recommended for approval subject to reasonable and relevant conditions.

**OFFICER'S RECOMMENDATION**

That Council approve the development permit for a Reconfiguring a lot for a boundary realignment (2 lots into 2 lots) at 281 Lancasters Road, Merlwood (and described as Lots 20 & 301 on FY2416), subject to the following conditions.

**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	Ref No.	Rev.	Date
Boundary Realignment	ONF Surveyors	9331P/1	A	26/05/2021



Delegated Authority \_\_\_\_\_ Date: \_\_\_\_\_

GEN2. All works, including the repair or relation of services (Telstra, lighting) is to be completed at no cost to Council.

#### **APPROVED USE**

GEN3. The approved development is Reconfiguring a lot (Boundary realignment) as shown on the approved plans.

#### **COMPLIANCE**

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

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

#### **OUTSTANDING FEES**

GEN5. Prior to sealing of Survey Plan the applicant is required to pay the Council all rates and charges or any expenses being charged over the subject land under any Act in accordance with Schedule 18 Section 69 of the *Planning Regulation 2017*.

#### **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.

#### **VALUATION FEES**

RAL2. Payment of *Department of Natural Resources and Mines* valuation fee that will result from the issue of split valuations prior to Council sealing the Survey Plan. The contribution is currently assessed at \$96.00 (2 x \$48.00); 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.

#### **PLANNING**

RAL3. All development involving the emission of noise, odour and dust from ongoing uses, building and/or construction activities, must ensure that the emissions are in accordance with the requirements of the *Environmental Protection Act 1994*.

**Timing:** As indicated.

#### **PROPERTY BOUNDARIES**

RAL4. All existing on-site structure, dams and sewerage treatment facilities including transpiration and irrigation areas are to be relocated so as not to cross the proposed property boundary.

#### **ENGINEERING WORKS**

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

ENG2. Be responsible for any alteration necessary to electricity, telephone, and/or other public utility installations resulting from the development.

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Delegated Authority \_\_\_\_\_

Date: \_\_\_\_\_

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

ENG3. 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.

ENG4. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development.

**SERVICES – EXISTING CONNECTIONS**

ENG5. Ensure that all services provided to the existing house on proposed Lot 2 are wholly located within the lot it serves.

**ADVICE**

ADV1. Section 85 (1)(b)(i) of the *Planning Act 2016* provides that, if this approval is not acted upon within the period of 12 months the approval will lapse.

ADV2. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity 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.

ADV3. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

Delegated Authority \_\_\_\_\_

Date: \_\_\_\_\_

**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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PROPOSAL PLAN

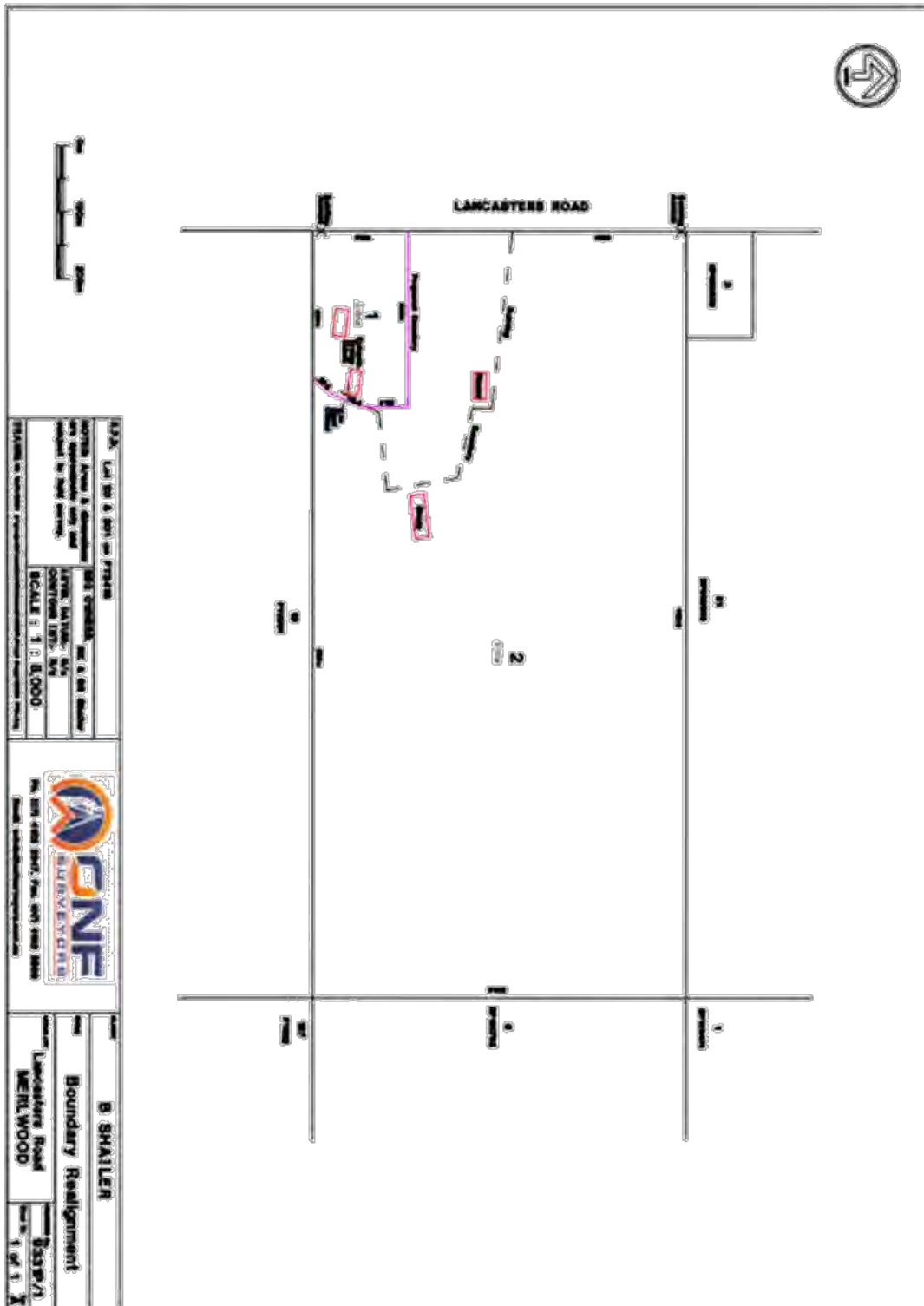


Figure 1 - Source: Applicant

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**REPORT**

The applicant seeks approval for a development permit for a Reconfiguration of a lot – Boundary Realignment (2 lots into 2 lots).

<b>APPLICATION SUMMARY</b>	
<b>Applicant:</b>	RK & BS Shailer C/- ONF Surveyors
<b>Proposal:</b>	Reconfiguration of a lot – Boundary Realignment (2 lots into 2 lots)
<b>Properly Made Date:</b>	27 May 2021
<b>Street Address:</b>	281 Lancasters Road, Merlwood
<b>RP Description:</b>	Lots 20 & 301 on FY2416
<b>Assessment Type:</b>	Code assessable
<b>Number of Submissions:</b>	Nil
<b>State Referral Agencies:</b>	Nil
<b>Referred Internal Specialists:</b>	Development Engineer

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

	<b>DEVELOPMENT PARAMETERS</b>
<b>NUMBER OF PROPOSED LOTS</b>	2
<b>SIZE OF PROPOSED LOTS</b>	Lot 20 on FY2416: 51ha Lot 301 on FY2416: 3.6ha
<b>EASEMENTS</b>	Nil
<b>COVENANTS</b>	Nil

**SITE DETAILS:**

<b>SITE AND LOCALITY DESCRIPTION</b>	
<b>Land Area:</b>	64.67 ha
<b>Existing Use of Land:</b>	Cultivation, Duboisia farming, dwelling
<b>Road Frontage:</b>	Lancasters Road
<b>Road/s</b>	<b>Road Hierarchy</b>
Lancasters Road	Local Road
<b>Easements</b>	Nil
<b>Significant Site Features:</b>	Nil
<b>Topography:</b>	Slightly sloping
<b>Surrounding Land Uses:</b>	<b>Land Use</b>
<b>North</b>	Rural Grazing Land & Cultivation, Dwelling
<b>South</b>	Rural Grazing Land & Cultivation, Dwelling
<b>East</b>	Rural Land – Cultivation & Dwelling
<b>West</b>	Rural Grazing Land
<b>Services:</b>	Electricity, telecommunications

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**Background / Site History**

<b>APPLICATION NO.</b>	<b>DECISION AND DATE</b>
	Nil

**ASSESSMENT:**

**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.

**Assessment Benchmarks Pertaining to the Planning Regulation 2017**

The following Assessment Benchmarks from the *Planning Regulation 2017* are applicable to this application:

<b>PLANNING REGULATION 2017 DETAILS</b>	
Assessment Benchmarks:	Nil
WBB Regional Plan Designation:	N/A

**Assessment Benchmarks Pertaining to the Planning Scheme**

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

Planning Scheme:	South Burnett Regional Council Planning Scheme Version 1.4
Strategic Framework Land Use Category:	N/A
Zone:	Rural
Precinct:	Nil
Consistent/Inconsistent Use:	N/A
Assessment Benchmarks:	<ul style="list-style-type: none"> <li>• Reconfiguring a lot code</li> <li>• Rural zone code</li> <li>• Services and works code</li> </ul>

Assessment Benchmarks – Planning Scheme Codes

The application has been assessed against each of the applicable codes and found to be compliant with or can be conditioned to comply. The pertinent issues arising out of assessment against the codes are discussed below:

<b>ACCEPTABLE OUTCOME</b>	<b>ASSESSMENT MANAGER'S RESPONSE</b>
<b>RURAL ZONE CODE</b>	
<b>Section 1 - General</b>	

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<b>PO1</b> Development maintains rural amenity and character.	
<p><b>AO1.1</b> Buildings are set back 20m from any collector or higher order road and 10m from any other road frontage.</p> <p>and</p> <p><b>AO1.2</b> The use does not cause odour, noise or air emissions in excess of the prescribed limits in the Environmental Protection (Air) Policy 1997 or the Environmental Protection (Noise) Policy 1997.</p>	<p><b>Complies</b> – The existing buildings are more than 100m from the road. There are no new buildings proposed.</p> <p>✓ There are no new uses proposed as a part of this application. The development will not disrupt the rural amenity and character of the surrounding area. The boundary realignment will assist in continuing the rural use of the site.</p>
<b>PO2</b> Development does not jeopardise the rural production capacity of the Zone.	
<p>Development resulting in lots less than the minimum size in Table 8.4.2 satisfying outcomes –</p> <p><b>AO2.1</b> The proposal is necessary for the efficient production and processing of a crop grown in the area.</p> <p>or</p> <p><b>AO2.2</b> The proposal provides an alternate productive rural activity that supports regionally significant industry.</p> <p>or</p> <p><b>AO2.3</b> An agricultural sustainability report prepared by a suitably qualified agronomist demonstrates that –</p> <p>(a) The lot is suitability sized for the proposed activity, including a dwelling house including yard; and</p> <p>(b) There is sufficient water for the proposed activity; and</p> <p>(c) The allotment is capable of being connected to reticulated electricity; and</p> <p>(d) The proposed activity is financially viable, requiring a viability assessment that includes capital costs, operational costs, sustainable yields to support a family, climate, soils and geological factors affecting crop growth, nutrients, salinity, topography, susceptibility to flooding and erosion and an assessment of market robustness (both recent and projected) and alternative practices in the event of failure.</p> <p>and</p> <p><b>AO2.4</b> Development is consistent with any Soil Conservation Plan that applies to the locality, as approved by the relevant State agency.</p>	<p><b>Complies</b> - This application is for a boundary realignment and is therefore not subject to the minimum lot sizes in Table 8.4.2. The boundary realignment will enable the production and processing of Duboisia to continue efficiently.</p> <p>N/A</p> <p>N/A – This development application does not necessitate the need for an Agricultural sustainability report.</p>
<b>PO3</b> Development does not result in any degradation of the natural environment, in terms of the geotechnical, physical, hydrological and environmental characteristics of the site and its setting.	
<p><b>AO3.1</b> Uses and associated works are confined to existing lawfully cleared land or areas not supporting regulated vegetation.</p> <p>and</p> <p><b>AO3.2</b> Uses and associated works are confined to areas outside stormwater discharge points, overland</p>	<p><b>Complies</b> – The subject site is predominately cleared and used for cultivation and the proposal does not involve any change to the environmental characteristics of the site.</p> <p>N/A – No new uses proposed.</p>



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<p>flow paths, watercourses and natural drainage features.</p> <p>and</p> <p><b>AO3.3</b> Development, excluding forestry activities and permanent plantations, adjacent to National Parks or State Forests is set back a minimum of 100m from the park boundaries in the absence of any current 'Management Plans' for these areas</p>	N/A – No new uses proposed.
<b>PO4</b> Development is not exposed to risk from natural hazard relating to land slip.	
<p><b>AO4.1</b> Uses and associated works are confined to slopes not exceeding:</p> <p>(a) 15% for residential uses;</p> <p>(b) 10% for treated effluent disposal areas;</p> <p>(c) 6% for non-residential uses.</p>	N/A – No new uses or works are proposed.
<b>PO5</b> Development is adequately serviced.	
<p><b>AO5.1</b> A 45kl water tank is provided for consumption purposes.</p> <p>and</p> <p><b>AO5.2</b> On-site sewage treatment is provided.</p> <p>and</p> <p><b>AO5.3</b> Each dwelling is provided with a service line connection to the electricity supply and telecommunications networks.</p>	<b>Complies</b> – The dwelling has existing services which include water tanks, on-site sewerage, electricity and telecommunications. No new uses are proposed and therefore the application doesn't necessitate the need for additional services.
<b>PO6</b> Development is located and designed to ensure that land uses are not exposed to:	
<p>(a) Areas that pose a health risk from previous activities; and</p> <p>(b) Unacceptable levels of contaminants.</p>	
<p><b>AO6.1</b> Development does not occur:</p> <p>(a) In areas that pose a health risk from previous activities; and</p> <p>(b) On sites listed on the Contaminated Land Register or Environmental Management Register.</p> <p>or</p> <p><b>AO6.2</b> 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>	<b>Complies</b> – The property is not listed on the CLR or EMR. No new uses are proposed as a part of this boundary realignment application.
<b>Section 6 – For development affected by one or more overlays</b>	
<b>Agricultural land Overlay</b>	
<b>PO15</b> The productive capacity and utility of agricultural land for rural activities is maintained.	
<p><b>AO15.1</b> The proposal is not located on agricultural land as identified on SPP Interactive Mapping (Plan Making).</p> <p>or</p> <p><b>AO15.2</b> The proposal is necessary for the efficient production and processing of a crop grown in the area.</p> <p>or</p>	<b>Complies</b> – The subject site is within the Class A Agricultural land area overlay. The site is currently used for and will continue to be used for Duboisia crops and processing. No new uses are proposed.

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<p><b>AO15.3</b> The proposal provides an alternate productive rural activity that supports regionally significant industry.</p> <p>or</p> <p><b>AO15.4</b> An agricultural sustainability report prepared by a suitably qualified agronomist demonstrates that –</p> <p>(a) The lot is suitability sized for the proposed activity. Including a dwelling house including yard; and</p> <p>(b) There is sufficient water for the proposed activity; and</p> <p>(c) The allotment is capable of being connected to reticulated electricity; and</p> <p>(d) The proposed activity is financially viable, requiring a viability assessment that includes capital costs, operational costs, sustainable yields to support a family, climate, soils and geological factors affecting crop growth, nutrients, salinity, topography, susceptibility to flooding and erosion and an assessment of market robustness (both recent and projected) and alternative practices in the event of failure.</p> <p>and</p> <p><b>AO15.5</b> Development is consistent with any Soil Conservation Plan that applies to the locality, as approved by the relevant State agency.</p>	<p><b>N/A</b> – This development application does not necessitate the need for an agricultural sustainability report.</p>
<p><b>Biodiversity Overlay</b></p>	
<p><b>PO18</b> Areas of environmental significance, including biodiversity values, are identified, protected and enhanced.</p>	
<p><b>AO18.1</b> Uses and associated works are confined to areas not identified on Overlay Map 05.</p> <p>or</p> <p><b>AO18.2</b> Development is compatible with the environmental values of the area.</p> <p>or</p> <p><b>AO18.3</b> Where development within an area identified on Overlay Map 05 is unavoidable, measures recommended by a suitably qualified ecologist are incorporated to protect and retain the environmental values and underlying ecosystem processes within or adjacent to the development site to the greatest extent practical.</p>	<p><b>Complies</b> – The proposed new boundary does not conflict with the location of the nominated watercourse. There are no works associated with the boundary realignment application and no new uses proposed.</p>
<p><b>PO19</b> Biodiversity values of identified areas of environmental significance are protected from the impacts of development.</p>	
<p><b>AO19.1</b> Development adjacent to Protected Areas identified on Overlay Map 05 is set back a minimum of 100m from the park boundaries in the absence of any current 'Management Plans' for these areas</p>	<p><b>N/A</b></p>
<p><b>PO20</b> There are no significant adverse effects on water quality, ecological and biodiversity values.</p>	
<p><b>AO20.1</b> Uses and associated works are confined to areas outside overland flow paths and natural drainage features.</p>	<p><b>Complies</b> – The proposed boundary realignment does not involve any works, thus</p>

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<p>and  <b>AO20.2</b> All buildings, on-site effluent disposal, external activities or storage areas are located 100m from the top of the bank of a river, creek, stream or wetland identified on Overlay Map 05.                  and  <b>AO20.3</b> The Waterway Corridors identified on Overlay Map 05 are maintained in a natural state.</p>	<p>there will be no impact on overland flow paths and natural drainage features.</p> <ul style="list-style-type: none"> <li>✓ The shed located in closest proximity to the nominated watercourse is at least 150m away.</li> <li>✓ The area around the nominated watercourse has not been cultivated and maintains natural vegetation.</li> </ul>
<p><b>Bushfire hazard overlay</b></p> <p><b>PO21</b> Development is not placed at unacceptable risk from bushfire, does not increase the extent or severity of bushfire and maintains the safety of people and property from bushfire.</p>	
<p><b>AO21.1</b> Development does not occur in areas mapped as Very High or High Potential Bushfire Intensity Areas on the SPP Interactive Mapping (Plan Making).                  or  <b>AO21.2</b> A written assessment by a suitably experienced or qualified person confirms that the site is of Low Potential Bushfire Hazard.                  or  <b>AO21.3</b> For areas mapped as Medium Potential Bushfire Intensity Areas on the SPP Interactive Mapping (Plan Making), bushfire risk is mitigated through a Bushfire Management Plan incorporating:                  (a) Lot design and the siting of buildings and uses so:                  (i) high intensity uses are located on the least bushfire prone area on the site and activities least susceptible to fire are sited closest to the bushfire hazard; and                  (ii) efficient emergency access is optimised; and                  (iii) bushfire risk is effectively minimised having regard to aspect, elevation, slope and vegetation.                  (b) Including firebreaks that provide adequate:                  (i) setbacks between buildings/ structures and hazardous vegetation; and                  (ii) access for fire fighting or other emergency vehicles; and                  (c) Road access for fire-fighting appliances and firebreaks are provided through a perimeter road that separates the use from areas of bushfire hazard and that road has a minimum cleared width of 20 metres; and                  (d) Where a reticulated water supply is not available and development involves buildings with a gross floor area greater than 50m<sup>2</sup>, one tank within 100m of each residential building that has:                  (i) fire brigade tank fittings; and                  (ii) 25,000 litres dedicated for fire fighting purposes.</p>	<p><b>Complies</b> – A small portion of the western side of the site is within the potential bushfire impact buffer. There are no existing buildings within the overlay and there are no new buildings or uses proposed as a part of this boundary realignment application. There is no increased risk as a result of the proposed new boundaries.</p> <p>N/A</p>
<p><b>PO22</b> Community infrastructure in any area mapped as Very High to Medium (Potential Intensity) Areas are able to function effectively during and immediately after bushfire events.</p>	
<p><b>AO22.1</b> No outcome specified.</p>	<p>N/A</p>
<p><b>PO23</b> Public safety and the environment are not adversely affected by the detrimental impacts of bushfire on hazardous materials manufactured or stored in bulk.</p>	

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<p><b>AO23.1</b> No hazardous materials, manufactured or stored in bulk, are on land mapped as Very High to Medium (Potential Intensity) Areas.</p>	<p><b>N/A</b> – The property is not mapped in any areas marked as very high to medium potential bushfire areas.</p>
<p><b>PO24</b> Major risks to the safety or property and to the wellbeing of occupants in areas mapped as Very High to Medium (Potential Intensity) Areas is minimised through appropriate siting, servicing and managing of residential premises.</p>	
<p><b>AO24.1</b> New dwellings on land mapped as Very High to Medium (Potential Intensity) Areas are located:</p> <p>(a) Centrally within existing cleared areas on a lot which allows a regular shaped area (with a minimum dimension of 50m) of 5,000m<sup>2</sup> to be identified that:</p> <p>(i) is free of highly combustible vegetated areas; and</p> <p>(ii) is on southerly to easterly facing slopes not exceeding 15% gradient; or</p> <p>(iii) on flat lands at the base of north to western facing slopes not exceeding 15% gradient.</p> <p>(b) A fire protection buffer is established around the complete perimeter of the dwelling unit within a lot for a minimum width of 50m.</p>	<p><b>N/A</b> – The property is not located within the very high to medium bushfire hazard areas. The existing dwelling is not located within any bushfire hazard area. There are no new dwellings proposed.</p>
<p><b>Flood hazard overlay</b></p>	
<p><b>PO28</b> Development is not exposed to risk from flood events by responding to flood potential and maintains personal safety at all times.</p>	
<p><b>AO28.1</b> All new allotments include an area of sufficient size to accommodate the intended land use outside the area identified on Overlay Map 03.</p> <p>and</p> <p><b>AO28.2</b> New buildings are not located within the area identified on Overlay Map 03;</p> <p>or</p> <p><b>AO28.3</b> Development is sited above the 1%AEP flood event where known, or the highest known flood event, as follows:</p> <p>(a) Habitable floor levels - 500mm;</p> <p>(b) Non-habitable floor levels - 300mm;</p> <p>(c) On-site sewage treatment and storage areas for potential contaminants - 300mm;</p> <p>(d) All other development - 0mm.</p> <p>and</p> <p><b>AO28.4</b> Building work below the nominated flood level allows for the flow through of flood water at ground level:</p> <p>(a) The structure below flood level is unenclosed; or</p> <p>(b) Any enclosure below flood level aligns with the direction of water flow; or</p> <p>(c) Any enclosure not aligning with the direction of water flow must have openings that are at least 50% of the enclosed area with a minimum opening of 75mm.</p> <p>and</p> <p><b>AO28.5</b> Resilient building materials are used below the nominated flood level in accordance with the relevant building assessment provisions.</p> <p>and</p>	<p><b>Complies</b> – The proposed new boundaries are not located within the Flood hazard overlay. Proposed lot 1 will be 3.6ha and is located outside of the overlay. Proposed lot 2 will be 61ha and includes the flood hazard overlay, however, is of sufficient size to for the existing use to continue.</p> <p><b>N/A</b> - All of the existing buildings are outside of the nominated flood hazard area. There are no new buildings proposed as a part of the development application.</p>

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<p><b>AO28.6</b> Signage is provided on site indicating the position and path of all safe evacuation routes off the site.</p>	
<p><b>PO29</b> Development directly, indirectly and cumulatively avoids any significant increase in water flow, velocity or flood level, and does not increase the potential for flood damage either on site or other properties.</p>	
<p><b>AO29.1</b> Works associated with the proposed development do not:                  (a) involve a net increase in filling greater than 50m<sup>3</sup>; or                  (b) result in any reductions of onsite flood storage capacity and contain within the site any changes to depth/duration / velocity of flood waters; or                  (c) change flood characteristics outside the site in ways that result in:                  (i) loss of flood storage;                  (ii) loss of/changes to flow paths;                  (iii) acceleration or retardation of flows; or                  (iv) any reduction in flood warning times.</p>	<p><b>N/A</b> – There are no works proposed as a part of this boundary realignment application.</p>
<p><b>PO30</b> Development avoids the release of hazardous materials into floodwaters.</p>	
<p><b>AO30.1</b> Materials manufactured or stored on site are not hazardous in nature.                  or  <b>AO30.2</b> Hazardous materials and any associated manufacturing equipment are located above the nominated flood level.</p>	<p><b>Complies</b> – The existing buildings are located outside of the flood hazard area.</p>
<p><b>PO31</b> Community infrastructure in any area mapped as Flood Hazard is able to function effectively during and immediately after flood.</p>	
<p>No outcome specified.</p>	<p><b>N/A</b></p>
<p><b>RECONFIGURING A LOT CODE</b></p>	
<p><b>Section 1 – Boundary realignment</b></p>	
<p><b>PO1</b> The boundary realignment:                  (a) results in lots that are consistent with the established subdivision pattern of the local area;                  (b) maintains or improves the utility of the lots;                  (c) does not create a situation where the use or buildings on the resulting lots become unlawful.</p>	
<p><b>AO1.1</b> Development provides that allotment area, dimension and shape are in accordance with the standards in Table 8.4.2, except where the reconfiguration is boundary realignment and the outcome is preferable to the current allotment configuration.                  and  <b>AO1.2</b> The utility of the lots is maintained or improved where:                  (a) a frontage to depth ratio exceeds that of the existing allotments;                  (b) access is provided to an allotment that previously had no access or an unsuitable access;</p>	<p><b>Complies</b> – The reconfiguration is a boundary realignment. The proposed new boundary allows the Duboisia drying sheds to be located on a separate lot to the existing dwelling house.</p>

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<p>(c) an existing boundary encroachment by a building or areas is corrected; and <b>AO1.3</b> The realignment does not result in a building contravening the setback, standards required by this Planning Scheme or relevant building regulations. and <b>AO1.4</b> The realignment results in a larger lot that is a more viable farming unit.</p>	<p><b>Complies</b> – All existing buildings meet the required setback to the proposed new boundaries.</p> <ul style="list-style-type: none"> <li>✓ The boundary realignment will result in an increase in size of the cultivating lot and a decrease in the size of the duboisia drying shed lot.</li> </ul>
<p><b>PO2</b> The boundary realignment facilitates the creation or consolidation of a viable farming unit.</p>	
<p><b>AO2.1</b> Where covered by the Overlay Map 08: (a) new lot boundaries enhance viable farming units; and (b) the boundaries ensure that a new dwelling is not on agricultural land. and (c) the reconfiguration satisfies the acceptable outcomes in section 6 of the Rural Zone code.</p>	<p><b>Complies</b> – The boundary realignment will not impact on the viability of the existing agricultural use of the site.</p> <ul style="list-style-type: none"> <li>✓ No new dwellings are proposed.</li> </ul>
<p><b>Section 4 – All reconfiguring a lot subject to an overlay</b></p>	
<p><b>Agricultural land overlay</b></p>	
<p><b>PO16</b> The productive capacity and utility of agricultural land for rural activities is maintained.</p>	
<p><b>AO16.1</b> In the Rural zone only, no additional allotments are created in the area identified as agricultural land on SPP Interactive Mapping (Plan Making); or <b>AO16.2</b> In the Rural zone only, a Farm management plan prepared by a suitably qualified agronomist demonstrates that the existing productivity of the land area is not reduced.</p>	<p><b>N/A</b> – No additional allotments are proposed.</p> <ul style="list-style-type: none"> <li>✓ The site will continue to be utilised for Duboisia farming and processing. There are no changes proposed and thus, a Farm management plan is not necessary as a part of this development application.</li> </ul>
<p><b>Biodiversity overlay</b></p>	
<p><b>PO18</b> Development avoids, minimises or mitigates adverse impacts on environmentally significant areas and values.</p>	
<p><b>AO18.1</b> Development is confined to areas not mapped as high or general ecological significance on Overlay Map 05. or <b>AO18.2</b> Proposed boundaries do not create additional barriers to species movement. and <b>AO18.3</b> Proposed allotments do not create circumstances where additional accepted development clearing of protected vegetation may occur.</p>	<p><b>Complies</b> – The existing uses of the site (cultivation &amp; duboisia drying sheds) are located away from the watercourse identified in the Biodiversity overlay.</p> <ul style="list-style-type: none"> <li>✓ The proposed boundaries do not conflict with the nominated watercourse.</li> <li>✓ No clearing is required or proposed as a part of this boundary realignment application.</li> </ul>
<p><b>Bushfire hazard overlay</b></p>	
<p><b>PO19</b> Development is not placed at unacceptable risk from bushfire, does not increase the extent or severity of bushfire and maintains the safety of people and property from bushfire.</p>	

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<p><b>AO19.1</b> Development does not occur in areas mapped as Very High, High or Medium Potential Bushfire Intensity Areas on the SPP Interactive Mapping (Plan Making).</p> <p>or</p> <p><b>AO19.2</b> A written assessment by a suitably experienced or qualified person confirms that the site is of Low Potential Bushfire Hazard.</p> <p>or</p> <p><b>AO19.3</b> Bushfire risk is mitigated through a Bushfire Management Plan incorporating:</p> <p>(a) Lot design that</p> <p>(i) Locates high intensity uses on the least bushfire prone area on the site and activities least susceptible to fire closest to the bushfire hazard; and</p> <p>(ii) Optimises efficient emergency access; and</p> <p>(iii) Considers the bushfire risk associated with aspect, elevation, slope and vegetation.</p> <p>(b) Firebreaks to protected vegetation included in the subdivision layout providing access for fire fighting or other emergency vehicles</p> <p>and</p> <p><b>AO19.4</b> Road layouts facilitate easy and safer access and movement by emergency vehicles in the event of encroaching fire and provides that an alternative safe access (if one direction is blocked in the event of fire) is maintained at all times.</p>	<p>✓ <b>Discussed above.</b></p>
<p><b>Flood hazard overlay</b></p>	
<p><b>PO20</b> Development is not exposed to risk from flood events by responding to flood potential and maintains personal safety at all times.</p>	
<p><b>AO20.1</b> All new allotments include an area of sufficient size to accommodate the intended land use outside the area identified on Overlay Map 03.</p>	<p>✓ <b>Discussed above.</b></p>
<p><b>PO21</b> Development directly, indirectly and cumulatively avoids any significant increase in water flow, velocity or flood level, and does not increase the potential for flood damage either on site or other properties.</p>	
<p><b>AO21.1</b> Works associated with the proposed development do not:</p> <p>(a) involve a net increase in filling greater than 50m<sup>3</sup>; or</p> <p>(b) result in any reductions of on-site flood storage capacity and contain within the site any changes to depth / duration/velocity of flood waters; or</p> <p>(c) change flood characteristics outside the site in ways that result in:</p> <p>(i) loss of flood storage;</p> <p>(ii) loss of/changes to flow paths;</p> <p>(iii) acceleration or retardation of flows; or</p> <p>(iv) any reduction in flood warning times.</p>	<p>✓ <b>Discussed above</b> – There are no works associated with the proposed boundary realignment.</p>
<p><b>SERVICES AND WORKS CODE</b></p>	
<p>Section 1 - General</p>	

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<b>PO1</b> The development is planned and designed considering the land use constraints of the site for achieving stormwater design objectives.		
<b>AO1.1</b> A stormwater quality management plan provides for achievable stormwater quality treatment measures that meet the design objectives identified in Table 9.4.4.	<b>N/A</b> - This development application does not necessitate the need for a stormwater quality management plan.	
<b>PO2</b> Development does not discharge wastewater to a waterway or off-site unless demonstrated to be best practice environmental management for that site.		
<b>AO2.1</b> 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 <b>AO2.2</b> Wastewater is managed in accordance with a waste management hierarchy that: (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.	<b>N/A</b> - This development application does not necessitate the need for a wastewater management plan.	
<b>PO3</b> Construction activities avoid or minimise adverse impacts on stormwater quality.		
<b>AO3.1</b> An erosion and sediment control plan addresses the design objectives for the construction phase in Table 9.4.4.	<b>N/A</b> - This development application does not necessitate the need for an erosion and sediment control plan.	
<b>PO4</b> Operational activities avoid or minimise changes to waterway hydrology from adverse impacts of altered stormwater quality and flow		
<b>AO4.1</b> Development incorporates stormwater flow control measures to achieve the design objectives for the post-construction phase in Table 9.4.4.	<b>N/A</b> - This development application does not necessitate the need for stormwater flow control measures.	
<b>Section 2 - Infrastructure</b>		
<b>PO5</b> 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.		
<b>AO5.1</b> Except in the Rural zone, all development occurs on a site with frontage to a sealed road. and <b>AO5.2</b> Infrastructure is designed and constructed in accordance with the standards contained in PSP1 – Design and Construction Standards.	<b>N/A</b> – The property is located in the rural zone. However, both proposed lots front Lancasters Road which is bitumen sealed.  ✓ Both lots have existing accesses.	
<b>Section 3 – Vehicle parking</b>		
<b>PO6</b> Vehicle parking and access is provided to meet the needs of occupants, employees, visitors and other users.		



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<p><b>AO6.1</b> Vehicle parking spaces are provided on-site in accordance with Table 9.4.5.</p> <p>and</p> <p><b>AO6.2</b> A service bay is provided on-site for the service vehicle nominated in Table 9.4.5.</p> <p>and</p> <p><b>AO6.3</b> Driveway crossings are provided to the standard contained in PSP1 – Design and Construction Standards.</p> <p>and</p> <p><b>AO6.4</b> Vehicle parking and manoeuvring areas are provided in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>	<p><b>N/A</b> - This development application does not necessitate the need for vehicle parking.</p>
<p><b>Section 4 - Landscaping</b></p>	
<p><b>PO7</b> Landscaping is appropriate to the setting and enhances local character and amenity.</p>	
<p><b>AO7.1</b> Landscaping is provided in accordance with the relevant zone code provisions.</p> <p>and</p> <p><b>AO7.2</b> Where shade tree planting is required in vehicle parking areas each planting bed has a minimum area of 2m<sup>2</sup> and is unsealed and permeable.</p> <p>and</p> <p><b>AO7.3</b> 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><b>N/A</b> - This development application does not necessitate the need for landscaping.</p>
<p><b>PO8</b> Plant species avoid adverse impacts on the natural and built environment, infrastructure and the safety of road networks.</p>	
<p><b>AO8.1</b> Landscaping utilises plant species that are appropriate for the location and intended purpose of the landscaping.</p> <p>and</p> <p><b>AO8.2</b> Species selection avoids non-invasive plants.</p>	<p><b>N/A</b> - This development application does not necessitate the need for landscaping.</p>
<p><b>Section 5 – Filling and excavation</b></p>	
<p><b>PO9</b> Development results in ground levels that retain:</p> <ul style="list-style-type: none"> <li>(a) access to natural light;</li> <li>(b) aesthetic amenity;</li> <li>(c) privacy; and</li> <li>(d) safety.</li> </ul>	
<p><b>AO9.1</b> The depth of:</p> <ul style="list-style-type: none"> <li>(a) fill is less than 2m above ground level; or</li> <li>(b) excavation is less than 2m below ground level.</li> </ul> <p>and</p> <p><b>AO9.2</b> 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><b>AO9.3</b> Works do not occur on slopes over 15% in grade.</p>	<p><b>N/A</b> – No cut of fill is proposed as a part of the boundary realignment application.</p>

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<p>and  <b>AO9.4</b> Retaining walls over 1m in height are terraced 1.5m for every 1m in height and landscaped.                  and  <b>AO9.5</b> Batter slopes are not steeper than 25% and are grassed and terraced 1.5m for every 1m in height.                  and  <b>AO9.6</b> 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.</p>	
<p><b>PO10</b> Filling or excavation does not cause damage to public utilities.</p>	
<p><b>AO10.1</b> Filling or excavation does not occur within 2m horizontally of any part of an underground water supply, sewerage, stormwater, electricity or telecommunications system.</p>	<p><b>N/A</b> – No cut or fill is proposed as a part of this boundary realignment application.</p>
<p><b>PO11</b> Filling and excavation avoids water ponding on the premises or nearby premises that will adversely impact on the health of the community.</p>	
<p><b>AO11.1</b> 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.</p>	<p><b>N/A</b> – No cut or fill is proposed as a part of this boundary realignment application.</p>

**Local Categorising Instrument - Variation Approval**

Not applicable.

**Local Categorising Instrument - Temporary Local Planning Instrument**

Not applicable.

**Other Relevant Matters**

Not applicable.

Delegated Authority

Date:

**Locality Plan**



Figure 1 - Aerial Image (Source: Qld Globe)

**Aerial Plan**



Figure 2 - Locality Plan (Source: IntraMaps)

Delegated Authority \_\_\_\_\_ Date: \_\_\_\_\_

**CONSULTATION:**

**Referral Agencies**

Not applicable.

**Other Referrals**

<i>INTERNAL SPECIALIST</i>	<i>REFERRAL</i>	<i>REFERRAL / RESPONSE</i>
Development Engineer		Council's Development Engineer provided standard engineering conditions.
Infrastructure Charges Unit		N/A

**CONCLUSION:**

The proposed development has been assessed with regard to the applicable assessment benchmarks as identified within the report. The proposal generally complies with the Assessment Benchmarks of the Rural zone code, Reconfiguring a lot code and Services and works code within the South Burnett Regional Council Planning Scheme.

The boundary realignment will result in a more viable configuration – increasing the size cultivation allotment, proposed as lot 2 and separate the Duboisia drying sheds onto proposed lot 1.

**RECOMMENDATION:**

It is recommended that the Reconfiguring a lot application (2 lots into 2 lots) at 281 Lancasters Road, Merlwood (and described as lots 20 & 301 on FY2416) be approved subject to the reasonable and relevant conditions pursuant to Section 60 of the *Planning Act 2016*.

Delegated Authority

Date:

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**ATTACHMENTS**

**NII**

Delegated Authority \_\_\_\_\_ Date: \_\_\_\_\_

**Attachment A**

**NOTICE ABOUT DECISION – STATEMENT OF REASONS**

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

The development application for:

<b>Type of Approval</b>	Reconfiguring a lot – Development permit
<b>Level of Assessment</b>	Code
<b>Application No</b>	RAL21/0005
<b>Name of Applicant</b>	RK & NS Shailer C/- ONF Surveyors
<b>Street Address</b>	281 Lancasters Road, Merlwood
<b>Real Property Address</b>	Lots 20 & 301 on FY2416

On 10 August 2021 the above development was:

Approved in full, with conditions.

**1. Reasons for the Decision**

The reasons for this decision are:

- The proposal does not introduce any additional lots;
- The proposed boundary realignment does not result in any changes in the use of the land;
- The land will continue to be utilised for productive rural activities;
- The utility of the lots is maintained.

**2. Assessment Benchmarks**

The following benchmarks apply to this development:

- Reconfiguring a lot code
- Rural zone code
- Services and works code

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