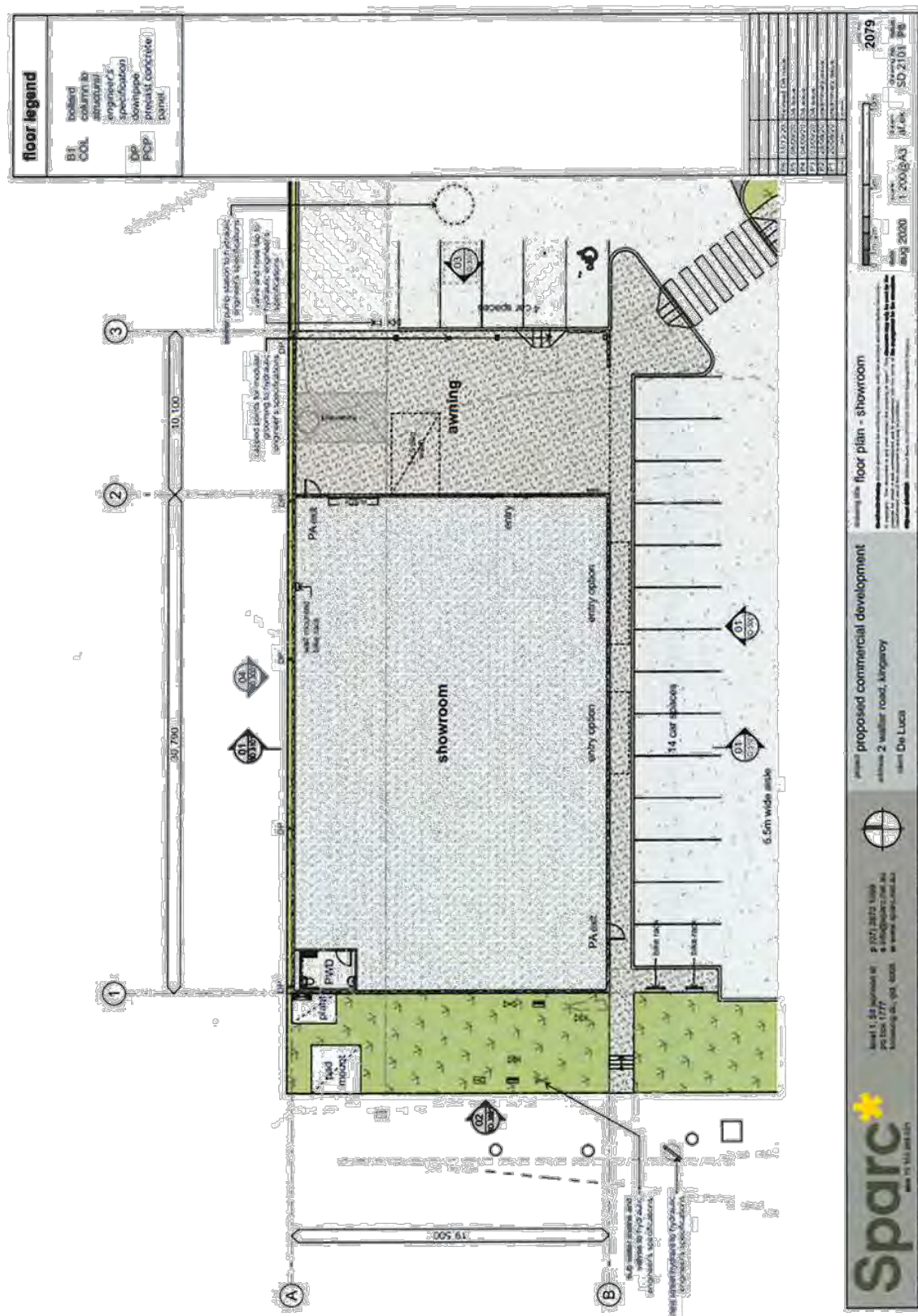


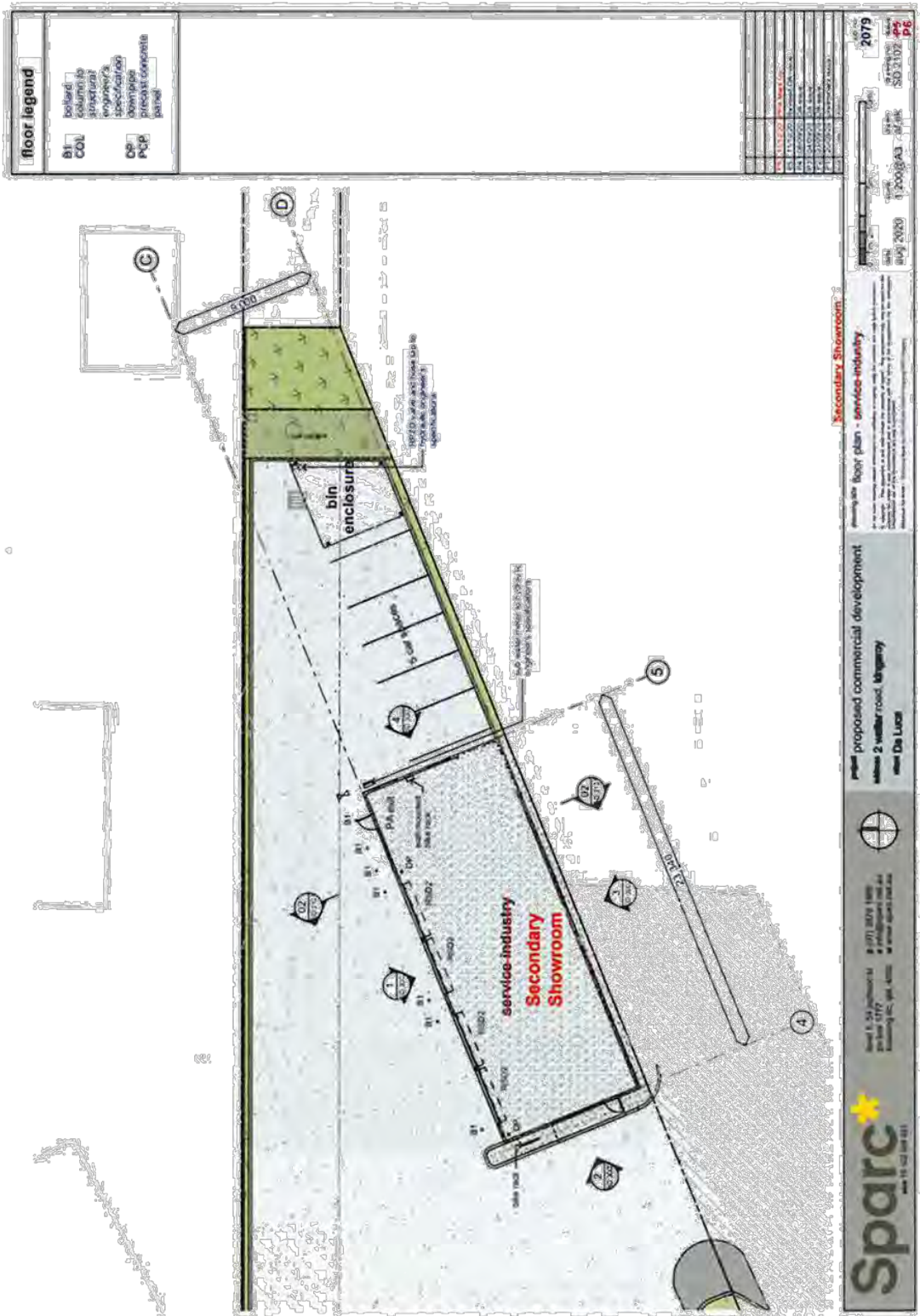
Delegated Authority

Date:



Delegated Authority

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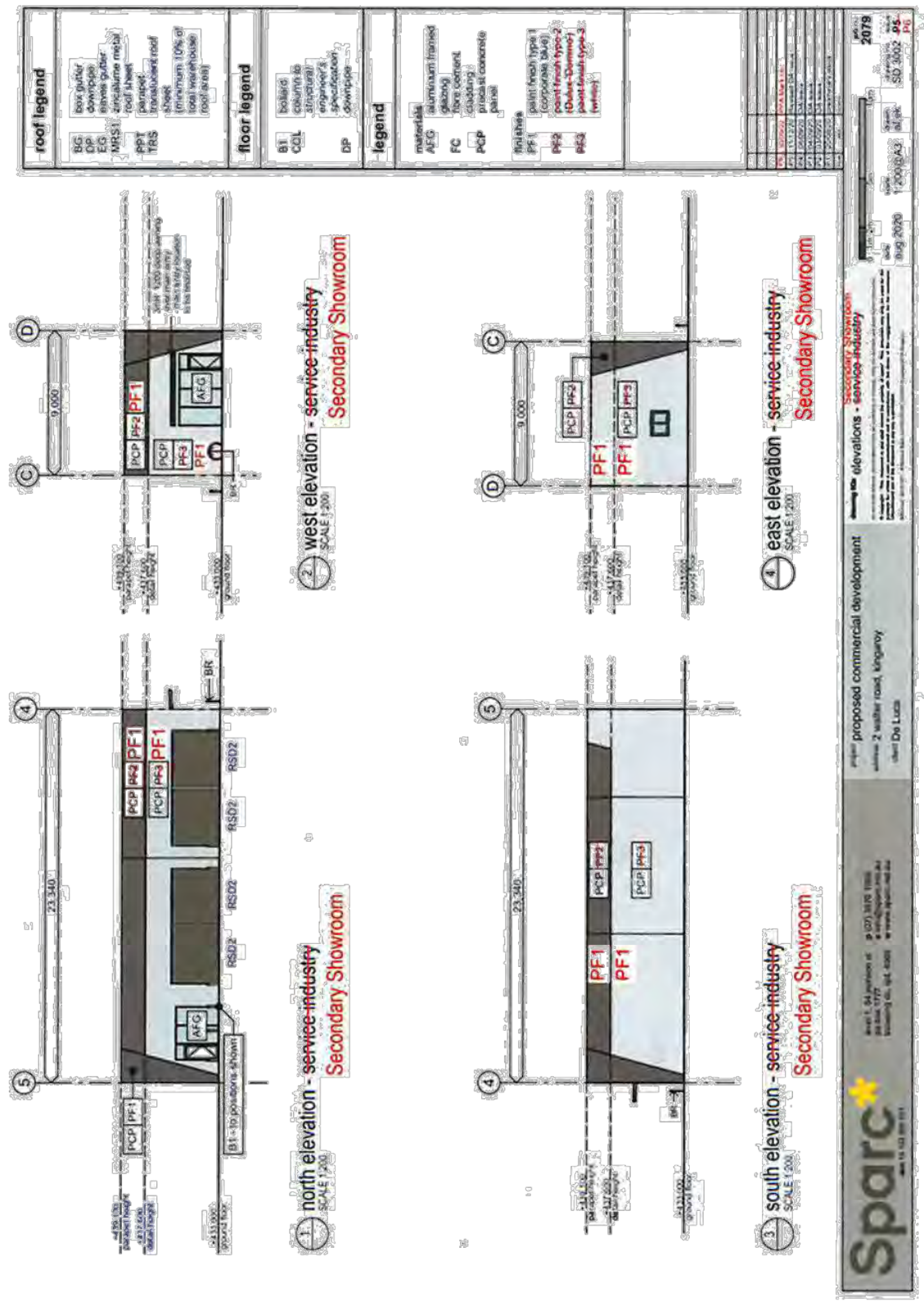
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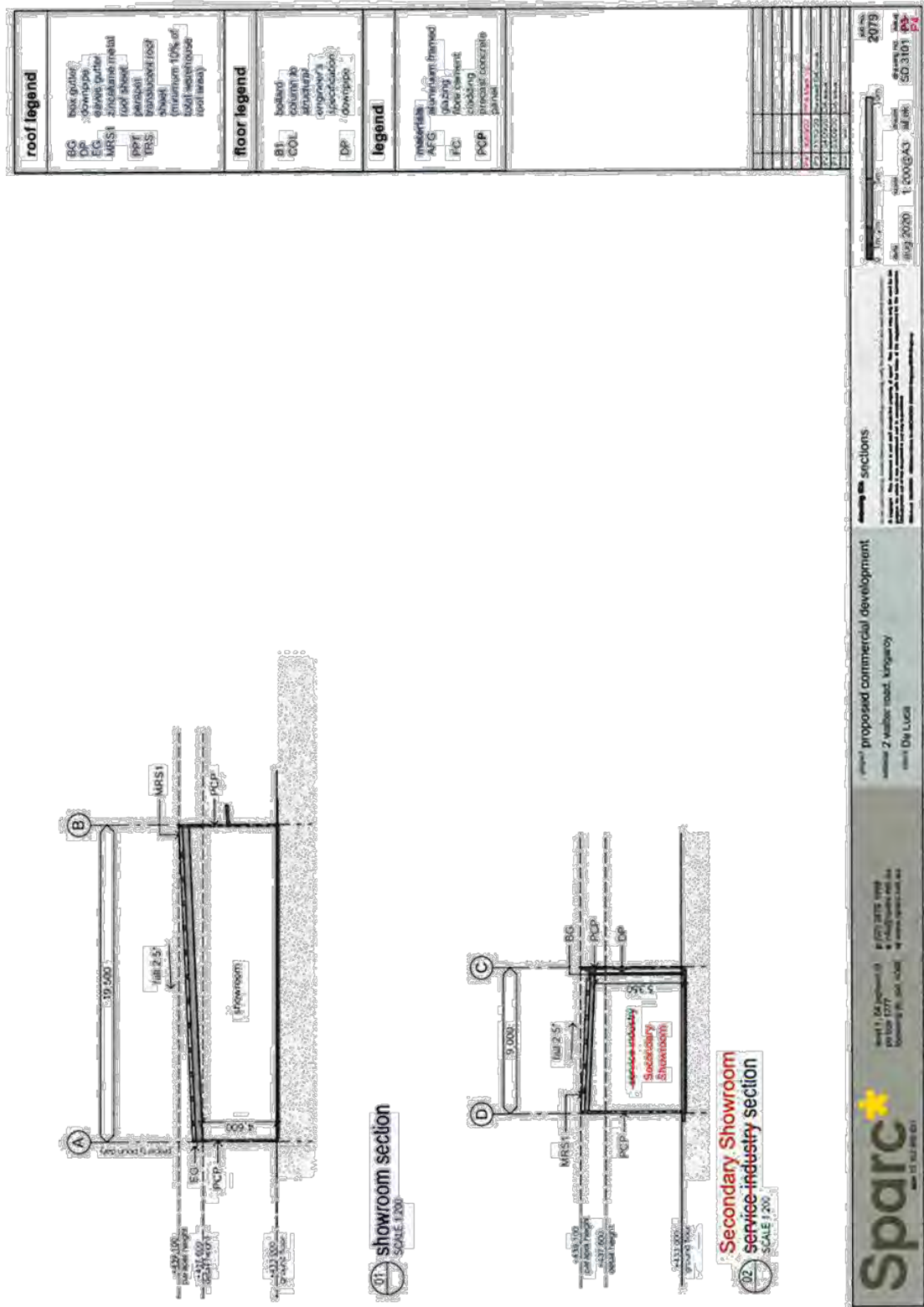
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REPORT

The applicant seeks approval for a Minor Change to a Development Permit for a Material Change of Use for a Showroom and Low Impact Industry and a Development Permit for Reconfiguring a Lot for a Boundary Realignment (2 into 2 lots).

APPLICATION SUMMARY	
Applicant:	Deluca c/- Property Projects Australia
Proposal:	Minor Change to approved Showroom and Low Impact Industry
Properly Made Date:	7 October 2022
Street Address:	28 & 30 Walter Road, Kingaroy
RP Description:	Lot 2 and 12 on SP310064
Assessment Type:	Minor Change
Number of Submissions:	N/A
State Referral Agencies:	None
Referred Internal Specialists:	Development Engineer

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

PROPOSED DEVELOPMENT	
Proposed Development:	Minor Change to approved Showroom and Low Impact Industry
Variations Sought:	Convert the approved low impact industry building to showroom, to be used by the existing showroom tenant
Level of Assessment:	N/A (Minor Change)
Area to be used:	Total of 810m ² of showroom (an addition of 210m ²)
Impervious Area:	No Change
Site Cover:	No Change
Car Parking Spaces:	No Change
Service Vehicle Provision:	No Change
Submissions Received:	N/A
Decision Making Period Ends:	7 November 2022

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SITE DETAILS:

SITE AND LOCALITY DESCRIPTION	
Land Area:	12,459m ² (1.2459ha)
Existing Use of Land:	Showroom
Road Frontage:	Walter Street
Easements	Easement D on SP310064
Significant Site Features:	None
Topography:	Generally flat – slight fall from the north-east to the west.
Surrounding Land Uses:	Land Use Zone/Precinct
North	Residential housing
South	Showroom
East	Rural grazing land & cultivated land
West	Industry
Services:	All urban services

Background / Site History

APPLICATION NO.	DECISION AND DATE
MCU20/0016	Approved 18 December 2020

BACKGROUND/ PROPOSAL

The applicant seeks to amend the existing approval for a Showroom and Low Impact Industry. Two buildings were proposed (and ultimately constructed) on the site. The larger (600m²) building at the western end of the site was proposed and approved as a Showroom. That building is currently tenanted by a bulky good retailer (Petstock). The smaller building at the eastern end of the site was proposed and approved as Low impact industry. The proposed change is to convert the use of the existing eastern building from Low impact industry to Showroom to be used by the existing tenant of the (western) showroom.

The development has been constructed generally in accordance with the approved plans. The smaller building which was approved as Low impact industry is currently being used for storage associated with the existing showroom, however there are no other known conflicts with the approval.

THE SITE AND EXISTING USES**Site Description**

The subject site is formally described as Lot 2 and Lot 12 SP310064. The lots have a combined area of 1.2459ha and the site is irregular in shape. The site maintains a relatively flat terrain throughout its entirety, with a slight fall from the north-east to the west.

The site is bordered to the north by low density residential uses and, at the south, a range of centre activities, including a Bunnings Warehouse. The east of the site is bordered by agricultural land and the west fronts the *D'Aguilar Highway* (Walter Road).

The subject sites are accessed via Walter Road (Lot 12 SP310064) and can be accessed also via Palm Court (Lot 2 SP310064).

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Surrounding Land Uses

The subject is situated to the south of Kingaroy town. The locality comprises predominantly of industrial land to the west of the site and residential housing to the north. To the east of the site is expansive rural and agricultural land and the east is predominantly centre uses.

Locality Plan



Figure 1 - Aerial Image (Source: Qld Globe)

Aerial Plan

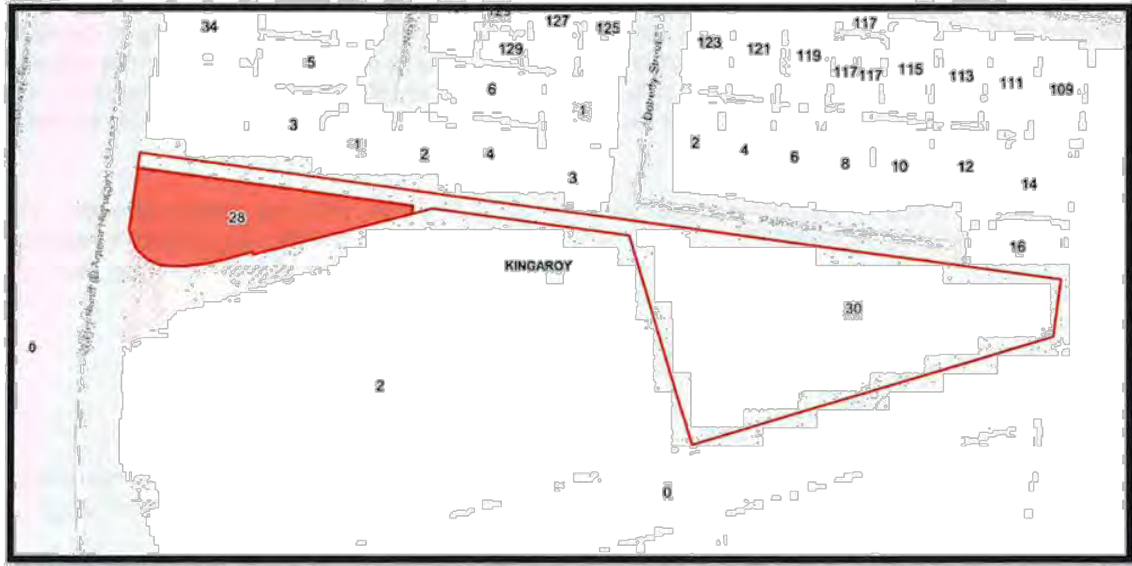


Figure 2 - Locality Plan (Source: IntraMaps)

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PLANNING SCHEME & STATE PLANNING POLICIES

Tables 1 and 2 provide an overview of the town planning parameters relevant to the subject site and proposed development.

TABLE 1 – State Planning Instruments	
Regional Plan:	<i>Wide Bay Burnett Regional Plan 2011 (the Regional Plan)</i>
State Planning Policy	<i>State Planning Policy (July 2017) (the SPP)</i>
SARA DA Mapping	State Transport - Area within 25m of a State Transport Corridor
Referrals	Chief Executive
Assessment Benchmarks	The State development assessment provisions

TABLE 2 – Local Planning Context	
Planning Scheme	<i>South Burnett Regional Planning Scheme 2017 (v1.3)</i>
Strategic Framework Designation	Urban
Zone	Medium Density Residential Zone Specialised Centre Zone
Overlays	<ul style="list-style-type: none"> • Airport Environs Overlay – Distance from airport – 3km • Flood Hazard Overlay – Flood hazard area • Agricultural Land Overlay – Class A agricultural land classification – Important Agricultural Areas
Defined Use (original application)	Showroom Low Impact Industry Reconfiguring a Lot
Level of Assessment	Impact Assessment
Assessment Benchmarks	<ul style="list-style-type: none"> • Medium Density Residential Zone Code • Specialised Centre Zone Code • Reconfiguring a Lot Code • Services & Works Code

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ASSESSMENT:

Framework for Assessment

Minor change criteria under the *Planning Act 2016*

A Minor Change is defined in the *Planning Act 2016*. The following tables provide an assessment against this definition.

Table 1. Assessment against Minor Change definition (*Planning Act 2016*, Schedule 2)

MINOR CHANGE CRITERIA	COMPLIES	ASSESSMENT
A minor change, for a development approval, means a change that would not—		
(i) result in a substantially different development; or	✓	The proposed change does not create or result in a substantially different development - refer to table 2.
if a development application for the development, including the change, were made when the change application is made would not cause—		
(A) the inclusion of prohibited development in the application; or	✓	The proposed change will not result in prohibited development.
(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or	✓	The original application was referred to DSDILGP.
(C) referral to extra referral agencies, other than to the chief executive; or	✓	The proposed change would not require the application to be referred to extra referral agencies.
(D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or	✓	The proposed change would not cause a referral agency to assess the application against or have regard to the matters prescribed by regulation other than those that were considered when the application was made.
(E) public notification if public notification not required for the development application.	✓	The original application required public notification

The *Development Assessment Rules 2017 (Schedule 1)* provide guiding criteria in relation to 'substantially different development'. The proposed change is assessed against these criteria in **Table 2**.

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Table 2. Assessment against Substantially Different Development Criteria (Development Assessment Rules 2017)

SUBSTANTIALLY DIFFERENT DEVELOPMENT CRITERIA	COMPLIES	RESPONSE
A change may be considered to result in a substantially different development if the proposed change:		
(a) involves a new use	✓	No new uses are proposed. The original application included approval for a showroom.
(b) results in the application applying to a new parcel of land	✓	The change does not involve new land.
(c) dramatically changes the built form in terms of scale, bulk and appearance	✓	There is no change to the approved built form. There is likely to be minor changes to signage however it is noted that signage was not assessed or approved as part of the original application.
(d) changes the ability of the proposal to operate as intended	✓	The maintains the general function of the site as a primarily) showroom orientated use will continue.
(e) removes a component that is integral to the operation of the development	✓	The change does not removal an integral component of the operation. Low impact industry will often operate in conjunction with a showroom use (e.g. servicing of machinery sold in the showroom) however it is not integral to it.
(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site	✓	Matters of traffic and parking are described below, however if conditioned as recommended it is not expected to have a significant impact on traffic flow.
(g) introduces new impacts or increases the severity of known impacts	✓	The proposed change has the potential to increase parking demand, however if conditioned as recommended these impacts will be limited. This is discussed further below
(h) removes an incentive or offset component that would have balanced a negative impact of the development	✓	The proposed change does not involve and incentive or offset that balanced a negative impact of development.
(i) impacts on infrastructure provision.	✓	The proposed change does not require additional infrastructure.

Parking/Traffic

The original application sought a performance outcome with respect to parking. The traffic report submitted with the application supported a relaxation for the showroom component from 5 space per 100m² GFA to 3.3 spaces per 100m² GFA based on a 'market rate' (understood to be based on market research). Using this rate 25 car parking spaces were required for the showroom and 5 spaces were required for the Low Impact Industry (adopting the planning scheme rate for that use). In summary, the submitted traffic report suggested 25 spaces were required (and 31 spaces were provided).

If the planning scheme parking rate (5 spaces per 100m²) was applied to the proposed change development (810m² of showroom) then 41 spaces would be required and there would be a shortfall

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of 5 spaces on site. If the 'market rate' proposed in the original traffic report is adopted the changed development would require approximately 27 car parks (with 31 existing on site).

The original traffic report did not consider different tenants in recommending a 'market rate' and there is potential that separate showroom tenants operating from the same site could cause parking demands to increase. Both buildings on site are currently being used by the same tenant, with the smaller building understood to be used primarily for storage. It is recommended that a new condition be applied to ensure that the two buildings continue to be used by the same tenant. This will assist in ensuring there is sufficient parking on site for the development and that the minor change criteria are met.

Consequential changes to the conditions of approval

Changes are required to the Material Change of Use conditions, as described below:

- GEN1 – to be updated to reflect the amended plans
- PLN2 – amended to remove references to the low impact industry use
- PLN7 – deleted as this referred to operating hours for the low impact industry use
 - PLN11 – amended to remove references to the low impact industry use

New condition PLN17 as follows:

PLN17 – Both buildings on site are to be used by a single tenant at all times

CONSULTATION:

Referral Agencies

Referrals

The original application required referral to the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) via the State Assessment and Referral Agency (SARA) for various triggers relating to the proximity of the State Controlled Road.

As the Department is not an affected entity with regards to the changes proposed there is no requirement to refer this minor change request.

Other Referrals

INTERNAL SPECIALIST	REFERRAL / RESPONSE
Development Engineer	Council's Development Engineer provided comments in relation to Infrastructure Charges and engineering conditions.
Infrastructure Charges Unit	<p>Council adopted a LGIP on 24 June 2019 which commenced on 1 July 2019.</p> <p>The types of development that may trigger the issuing of an infrastructure charges notice are:</p> <ul style="list-style-type: none"> a) Reconfiguring a lot; b) Making a Material change of use; c) Carrying out Building Work. <p>The property is within the Water supply Network, Sewerage Network, Transport catchment mapping and Stormwater network and is therefore subject to relevant adopted charges.</p> <p>Refer to Infrastructure Charges Notice attached as Attachment A.</p>

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CONCLUSION:

It is concluded that the proposed changes, where conditioned as recommended, meet the minor change criteria and substantially different development guideline

RECOMMENDATION:

It is recommended that Council approved the proposed Minor Change subject to conditions on the following grounds:

- ▣ Where the recommended conditions are applied, there will be sufficient parking available;
- ▣ Where the recommended conditions are applied, the proposed change meets the minor change criteria and substantially different development guideline;

There are no new or additional concurrence agency conditions or advice for this minor change.

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ATTACHMENTS

- 1. Attachment A - Infrastructure Charges Notice**
- 2. Attachment B - Statement of Reasons**

INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT:	Deluca c/- Property Projects Australia Office 1 618-626 Brunswick Street NEW FARM QLD 4005	
APPLICATION:	Requested Changes to Conditions - PLN2 (Approved Use), PLN7 (Hours of operation, low impact industry), PLN11 (Survey Plan)	
DATE:	02/11/2022	
FILE REFERENCE:	MCU22/0026	
AMOUNT OF THE LEVIED CHARGE: <i>(Details of how these charges were calculated are shown overleaf)</i>	\$82,620.00	Total
	\$39,690.00	Water Supply Network
	\$21,870.00	Sewerage Network
	\$19,440.00	Transport Network
	\$0.00	Parks and Land for Community Facilities Network
	\$1,620.00	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 12 SP310064 & Lot 2 SP310064	
SITE ADDRESS:	28 – 30 Walter Road, Kingaroy	
PAYABLE TO:	South Burnett Regional Council	
WHEN PAYABLE: <i>(In accordance with the timing stated in Section 122 of the Planning Act 2016)</i>	Material Change of Use – When the change happens.	
OFFSET OR REFUND:	Not Applicable.	

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

DETAILS OF CALCULATION

Water Supply

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial (Bulk goods) - (Showroom)	600	GFA	\$49.00	CR Table 2.2	\$29,400.00
Commercial (Bulk goods) - (Showroom)	210	GFA	\$49.00	CR Table 2.2	\$10,290.00
TOTAL					\$39,690.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
No previously paid infrastructure charges			\$0.00		\$0.00

Sewerage

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial (Bulk goods) - (Showroom)	600	GFA	\$27.00	CR Table 2.2	\$16,200.00
Commercial (Bulk goods) - (Showroom)	210	GFA	\$27.00	CR Table 2.2	\$5,670.00
TOTAL					\$21,870.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
No previously paid infrastructure charges			\$0.00		\$0.00

Transport

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial (Bulk goods) - (Showroom)	600	GFA	\$24.00	CR Table 2.2	\$14,400.00

Commercial (Bulk goods) - (Showroom)	210	GFA	\$24.00	CR Table 2.2	\$5,040.00
TOTAL					\$19,440.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
No previously paid infrastructure charges			\$0.00		\$0.00

Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial (Bulk goods) - (Showroom)	600	GFA	\$0.00	CR Table 2.2	\$0.00
Commercial (Bulk goods) - (Showroom)	210	GFA	\$0.00	CR Table 2.2	\$0.00
TOTAL					\$0.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
No previously paid infrastructure charges			\$0.00		\$0.00

Stormwater

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Commercial (Bulk goods) - (Showroom)	600	GFA	\$2.00	CR Table 2.2	\$1,200.00
Commercial (Bulk goods) - (Showroom)	210	GFA	\$2.00	CR Table 2.2	\$420.00
TOTAL					\$1,620.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
No previously paid			\$0.00		\$0.00

infrastructure charges

Levied

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Commercial (Bulk goods) - (Showroom)	\$39,690.00	\$21,870.00	\$19,440.00	\$0.00	\$1,620.00	\$82,620.00
Total	\$39,690.00	\$21,870.00	\$19,440.00	\$0.00	\$1,620.00	\$82,620.00

** In accordance with Section 3.3 of the Charges Resolution, the discount may not exceed the adopted charge. Any surplus discounts will not be refunded, except at South Burnett Regional Council's discretion.*

INFORMATION NOTICE

Authority and Reasons for Charge	This Infrastructure Charges Notice has been given in accordance with section 119 of the <i>Planning Act 2016</i> to support the Local government's long-term infrastructure planning and financial sustainability.
Appeals	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.
Automatic Increase Provision of charge rate (\$)	<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 average¹. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.</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>
GST	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.
Making a Payment	<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 info@southburnett.qld.gov.au</p>

¹ 3-yearly PPI average is defined in section 114 of the *Planning Act 2016* and means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters. PPI Index is the producer price index for construction (6427.0 (ABS PPI) index number 3101 – Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics.

Payment can be made at any of the following South Burnett Regional Council Offices:

- 69 Hart Street, Blackbutt, 4314;
- 45 Glendon Street, Kingaroy, 4610;
- 42 Stephens Street West, Murgon, 4605;
- 48 Drayton Street, Nanango, 4615;
- McKenzie Street, Wondai, 4606; or
- via other methods identified on the Itemised Breakdown.

Enquiries

Enquiries regarding this Infrastructure Charges Notice should be directed to the SOUTH BURNETT REGIONAL COUNCIL, Department of Planning and Land Management, during office hours, Monday to Friday by phoning (07) 4189 9100 or email at info@southburnett.qld.gov.au

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:

Application number:	MCU22/0026
Applicant:	Deluca C/- Property Projects Australia
Proposal:	Minor Change to approved Showroom and Low Impact Industry
Street Address:	28 & 30 Walter Road, KINGAROY
RP Description:	Lot 2 & 12 on SP310064

On 9 November 2022 the above development was:

- Approved in full, with conditions.

1. Reasons for the Decision

The reasons for this decision are:

- Where the recommended conditions are applied, there will be sufficient parking available;
- Where the recommended conditions are applied, the proposed change meets the minor change criteria and substantially different development guideline;

2. Assessment Benchmarks

The following are the benchmarks apply to this development:

- Medium Density Residential Zone Code
- Specialised Centre Zone Code
- Reconfiguring a Lot Code
- Services & Works Code

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

Delegated Authority

Date:

**MINOR CHANGE TO AN EXISTING DEVELOPMENT APPROVAL (MCU22/0005)
(REQUEST TO CHANGE CONDITIONS) AT FIREFLY DRIVE, BUNYA MOUNTAINS
(AND DESCRIBED AS LOT 34 ON GTP 4160)**

File Number: MCU22/0028
Author: Planning Officer
Authoriser: Chief Executive Officer

SIGNATURE	DATE
MANAGER	15/11/22
GM	15/11/22
CEO	15.11.2022

PRECIS

Minor Change to an existing development approval (MCU22/0005) (Request to change conditions) at Firefly Drive, Bunya Mountains (and described as Lot 34 on GTP 4160).

SUMMARY

This application is s81 Minor Change Request to a Code assessable development in the Low-Density Zone for a new dwelling house on land at Lot 34 Ringtail Lane, Bunya Mountains formally described as Lot 34 on GTP 4160.

The applicant submits changes to the building design with the following elements included:

- Raising the building so that the building is now totally built on stumps versus partial slab on ground;
- Providing a carport underneath the now raised building;
- Changing the proposed garage to a multi-purpose room;
- Additional access stairs with the now raised building;
- Slight change in siting of the building where it is now 13m from the frontage versus 19m from the frontage;
- Slight earthworks to greater a flat pad from the dwelling house;
- Other minor changes to the external façade as a consequence to the raising of the building.

The application is not considered substantially different development and can be processed as a minor change application under s81 of the *Planning Act 2016*.

There are no necessary changes to any of the conditions of approval other than where plan references are made. Updated Infrastructure Charges Notice and Statement of Reasons attached.

OFFICER'S RECOMMENDATION

The s81 Minor Change be approved subject to the Council amended conditions attached to this decision notice. Deleted text in ~~strikeout~~ and new text shown in bold.

GENERAL

The development must be carried out generally in accordance with the approved plans and documents.

GENERAL

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

Drawing Title	Prepared By	Ref No.	Revision	Date
Site Plan	Davison Homes	2082	6	26 April 2022
Floor Plan	Davison Homes	2082	6	26 April 2022

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Date:

Drawing Title	Prepared by	Ref no.	Revision	Date
Elevations 1 and 2	Davison Homes	2082	6	26 April 2022
Elevations 3 and 4	Davison Homes	2082	6	26 April 2022
Site Plan	Davison Homes	2082	Issue D3 Sheet 2	16.08.2022
Floor plan	Davison Homes	2082	Issue D3 Sheet 3	16.08.2022
Elevations 1 and 2	Davison Homes	2082	Issue D3 Sheet 4	16.08.2022
Elevations 3 and 4	Davison Homes	2082	Issue D3 Sheet 5	16.08.2022
Roof Plan	Davison Homes	2082	Issue D3 Sheet 6	16.08.2022
Sections	Davison Homes	2082	Issue D3 Sheet 11	16.08.2022

DEVELOPMENT PERIOD – MCU

- GEN2. The currency period for this development approval for material change of use is six (6) years after the development approval starts to have effect. The development approval will lapse unless the survey plan for all works and stages required to be given to Council for approval is provided within this period.

VALUATION FEES

- RAL1. Payment of Department of Natural Resources, Mines and Energy valuation fees that will result from the issue of split valuations prior to Council sealing the Plan of Survey. The contribution is currently assessed at \$48 per lot, however, the actual amount payable will be based on Council's Register of Fees & Charges 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 commencement of the use unless stated otherwise.
- ENG2. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's standard drawings and design standards, relevant design guides and Australian Standards.
- ENG3. Be responsible for the full cost of any alterations necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

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

- ENG4. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
- ENG5. Repair all 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, immediately upon completion of works associated with the development.

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Date

STORMWATER MANAGEMENT

- ENG6. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties or that create and increase in flood damage on other properties.
- ENG7. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

ON-SITE WASTEWATER DISPOSAL

- ENG8. Connect the development to an on-site wastewater disposal system, in accordance with the AS1547 and the Queensland Plumbing and Waste Water Code.
- ENG9. Obtain a Development Permit for Plumbing Works for the on-site sewerage treatment system.

VEHICLE ACCESS

- ENG10. Construct a residential crossover between the property boundary and the edge of the Ringtail Lane pavement, having a minimum width of 4 metres, generally in accordance with Council's Standard Drawing No. 00049.
- ENG11. Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure (e.g., power pole, telecommunications pit), road infrastructure (e.g., street sign, street tree, etc).

ELECTRICITY AND TELECOMMUNICATION

- ENG12. Connect the development to electricity and telecommunication services.

EROSION AND SEDIMENT CONTROL – GENERAL

- ENG13. Ensure that all reasonable actions are taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.

ADVICE

- ADV1. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 31 December 2023. Eligible development under this scheme is required to be completed by 31 December 2023.

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

- 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 filing 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.

MCU22/0028

Page 3

Delegated Authority

Date:

ADV4 Infrastructure charges are not levied by way of an infrastructure charges notice pursuant to section 119 of the *Planning Act 2016*.

Delegated Authority

Date:

FINANCIAL AND RESOURCE IMPLICATIONS

No implication can be identified – infrastructure charges are levied in accordance with the Adopted Infrastructure Charges Resolution

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.

Delegated Authority

Date:

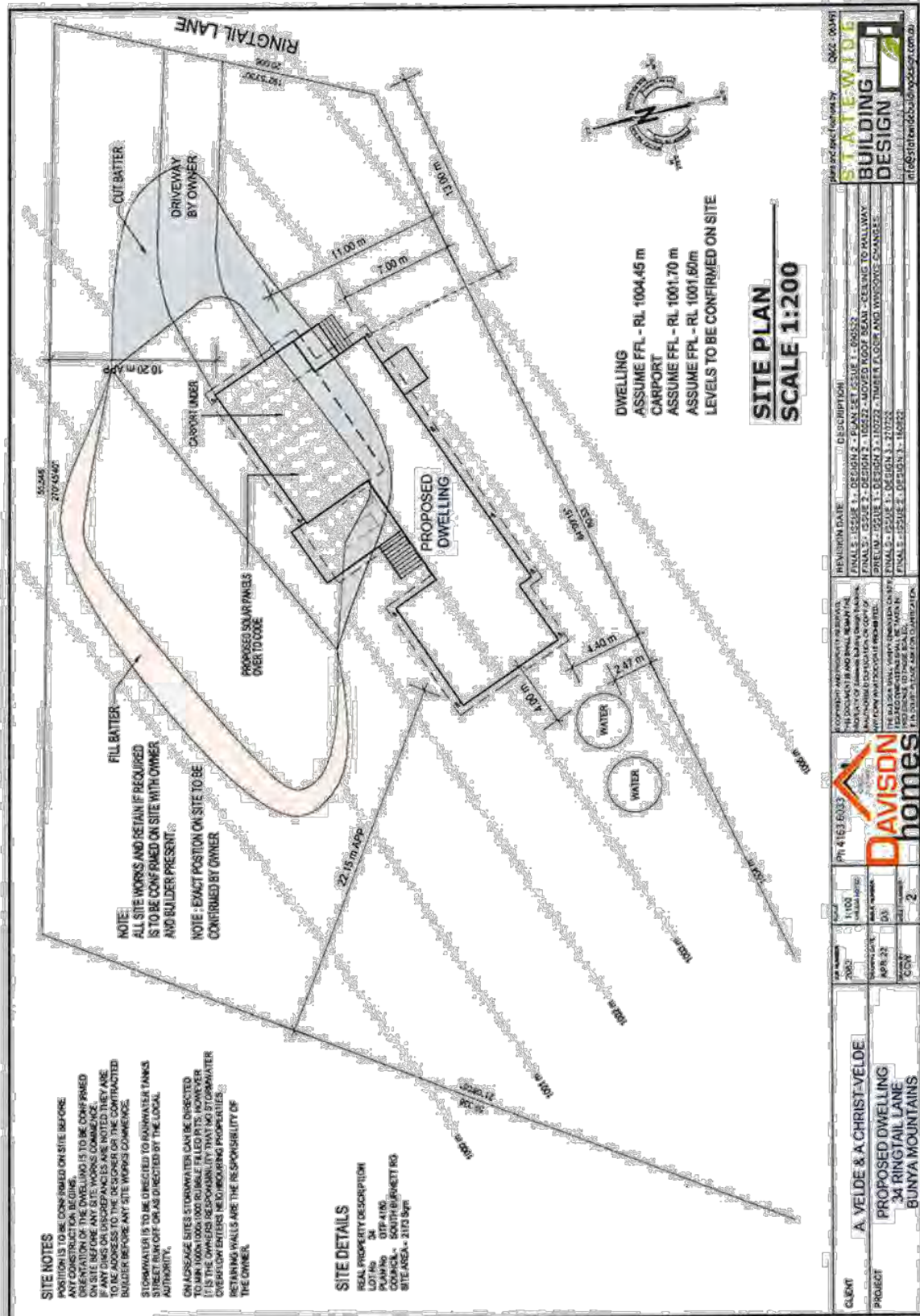
PROPOSAL PLAN

WORKING DRAWING	
01	Cover Page
02	Site Plan
03	Floor Plan
04	Elevations 1,2
05	Elevations 3,4
06	Roof Plan
07	Roof Framing Plan
08	Sub-Floor Plan
09	Bracing Plan
10	Bracing Plan
11	Section A1, A2, A3
12	Wall Detail, Tie Down Detail
13	Roofed Feature, Window Detail
14	Typical Fining Detail
15	Construction Note, Post Detail
16	Work Place Health and Safety Notes
17	Perspectives

PROPOSED DWELLING
A. VELDE & A. CHRIST-VELDE
34 RINGTAIL LANE, BUNYA MOUNTAINS

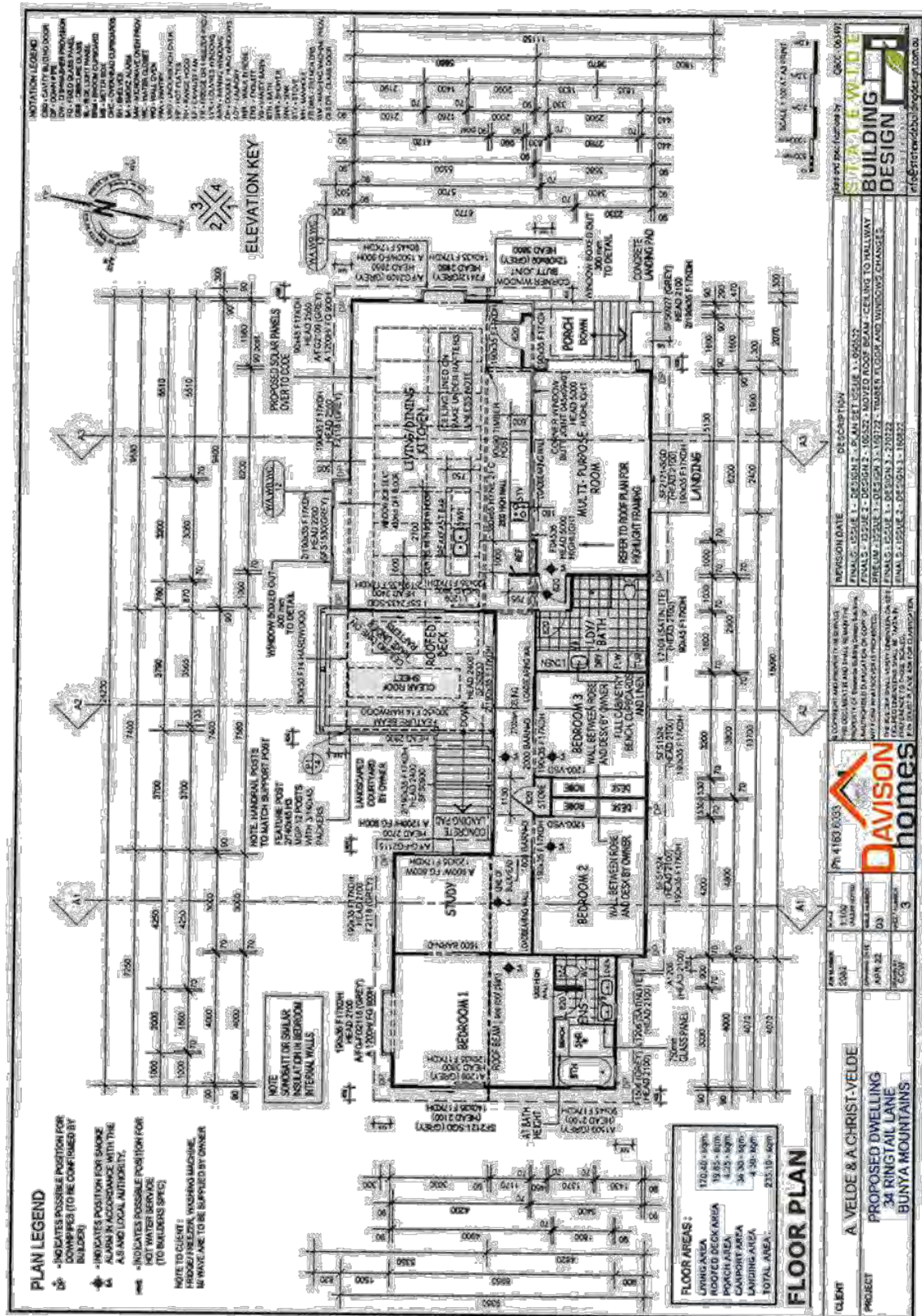
Delegated Authority

Date:



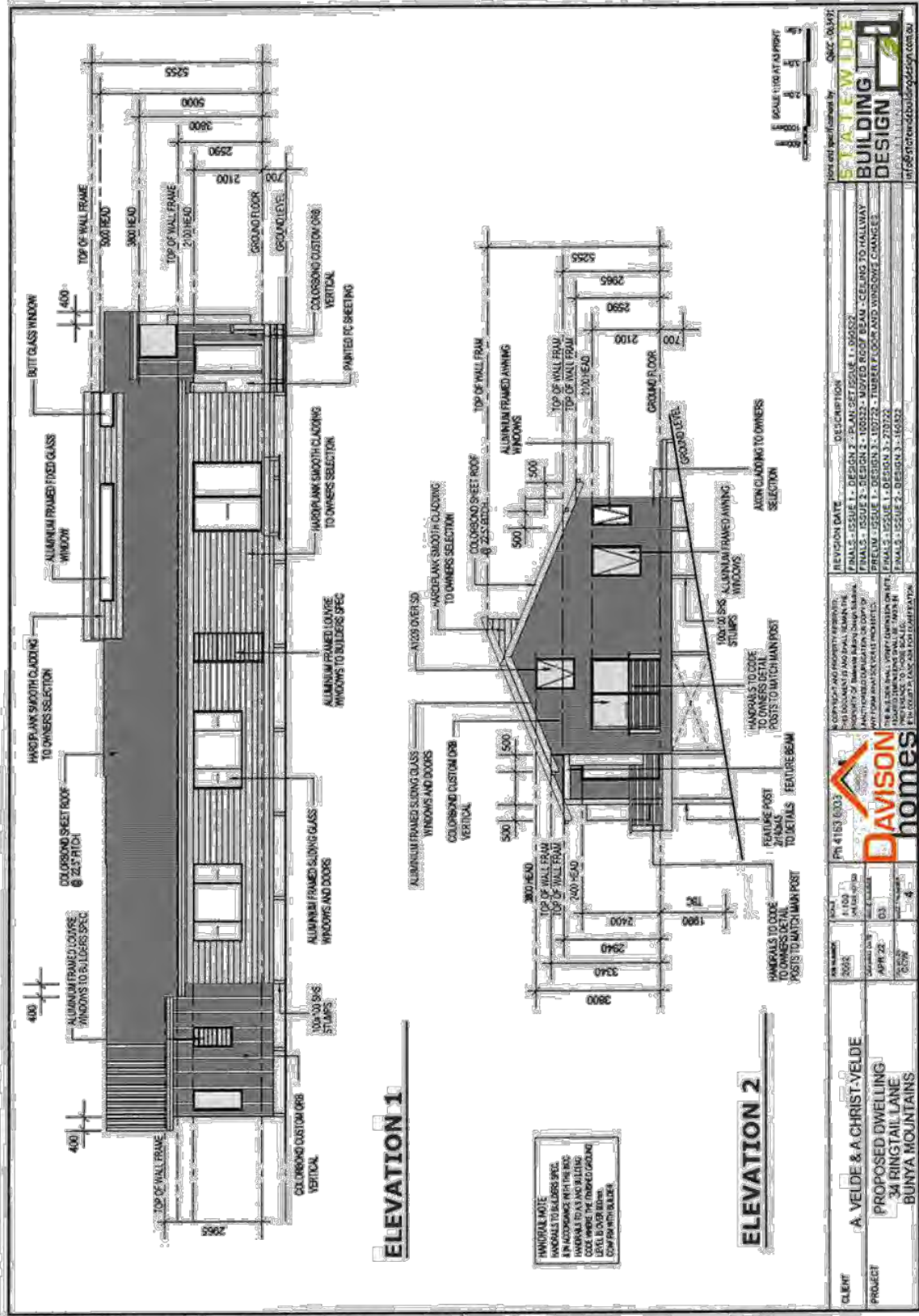
Delegated Authority

Date:



Delegated Authority

Date:



ELEVATION 1

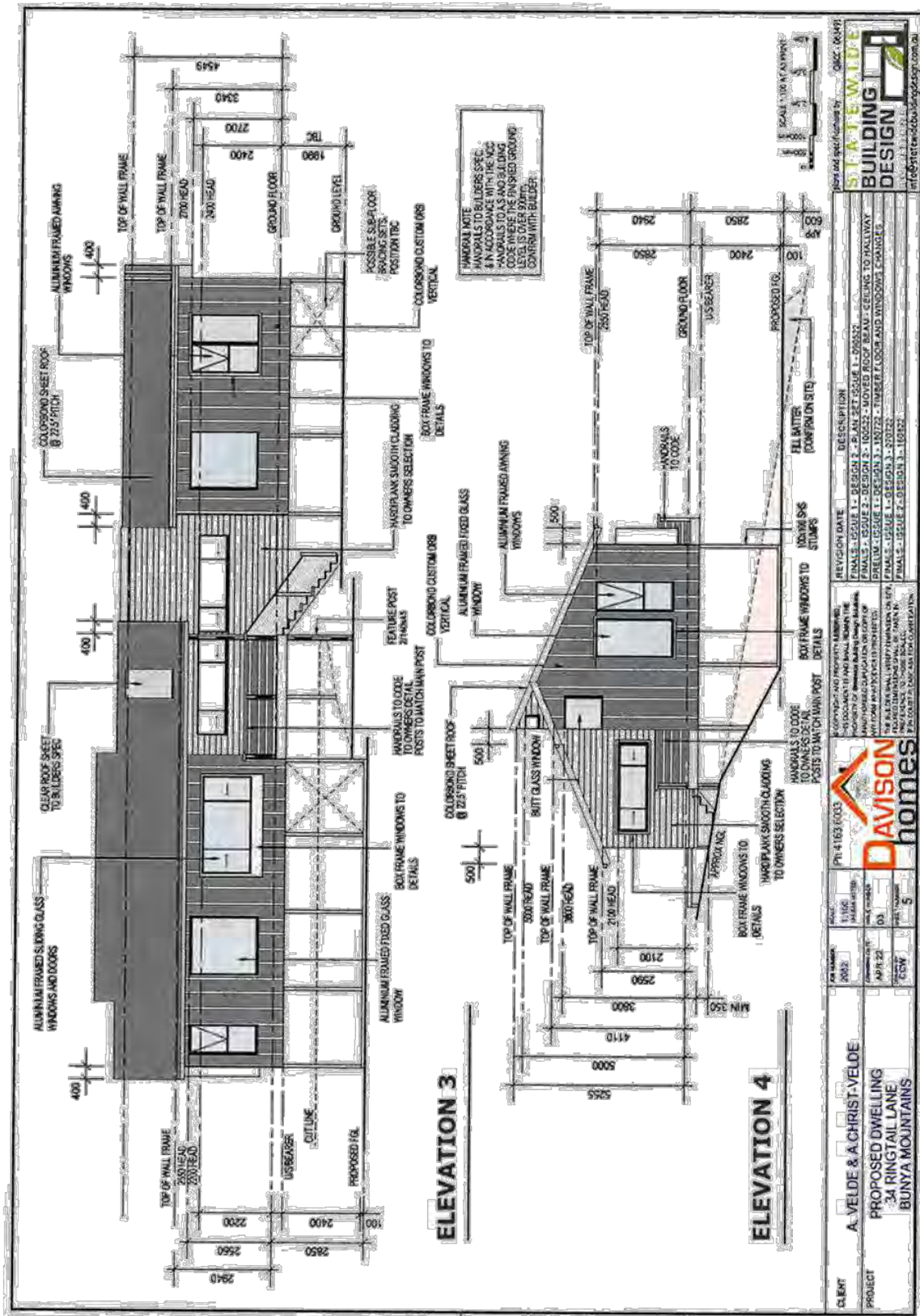
ELEVATION 2

HANDRAIL NOTE
 HANDRAILS TO BUILDERS SPEC.
 800mm CLEARANCE FROM THE BGC.
 HANDRAILS TO AS/NZS BUILDING
 CODE WHERE THE FINISHED FLOORING
 LEVEL IS 100mm ABOVE THE
 CONCRETE SLAB.

<p>CLIENT: A. VELDE & A. CHRIST-VELDE</p> <p>PROJECT: PROPOSED DWELLING 34 RINGTAIL LANE BUNYA MOUNTAINS</p>		<p>DATE: 2022</p> <p>APP'D: [Signature]</p> <p>SCALE: 1:100</p>	<p>PH: 4153 8003</p> <p>DAVISON homes</p>	<p>REVISION DATE</p> <p>FINAL 5 - ISSUE 1 - DESIGN 1 - 10/02/22 - MOVED ROOF BEAM - CEILING TO HALLWAY</p> <p>FINAL 4 - ISSUE 1 - DESIGN 3 - 10/02/22 - TRIMMED FLOOR AND WINDOW CHANGES</p> <p>FINAL 3 - ISSUE 1 - DESIGN 3 - 27/07/22</p> <p>FINAL 2 - ISSUE 2 - DESIGN 3 - 16/05/22</p>	<p>SCALE: 1:100 (AS SHOWN)</p> <p>DATE: 08/02/2022</p> <p>SKATELWIDE BUILDING DESIGN</p> <p>info@skatelwidedesign.com.au</p>
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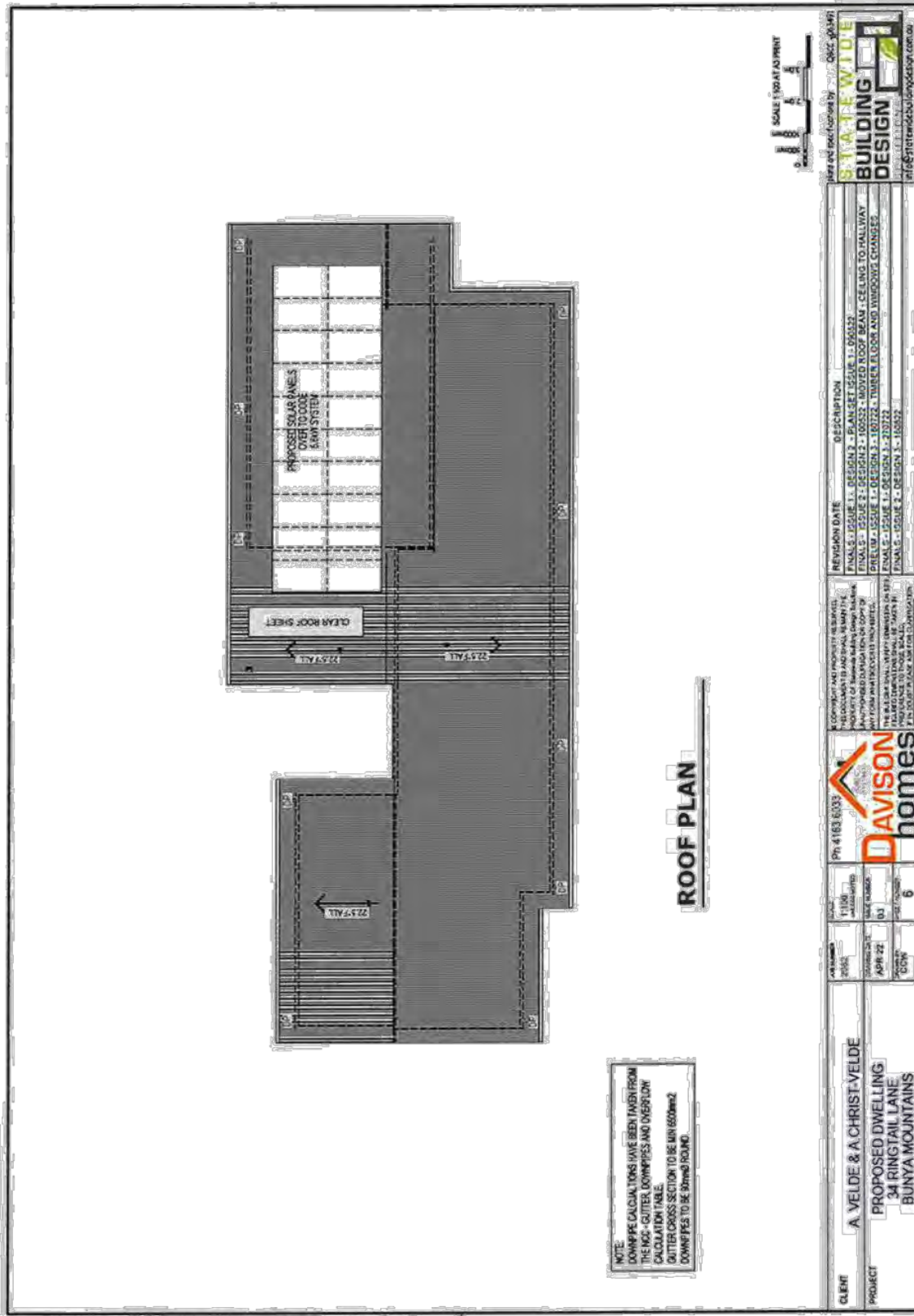
Delegated Authority

Date:



Delegated Authority

Date:



NOTE:
 DOWNPIPE CALCULATIONS HAVE BEEN TAKEN FROM THE NOG - GUTTER, DOWNPIPES AND OVERFLOW CALCULATION TABLE.
 GUTTER CROSS SECTION TO BE MIN 650mm x 2.
 DOWNPIPES TO BE 80mm Ø ROUND.



STATA-TECHWORLD
 BUILDING DESIGN
 info@stata-techworld.com.au

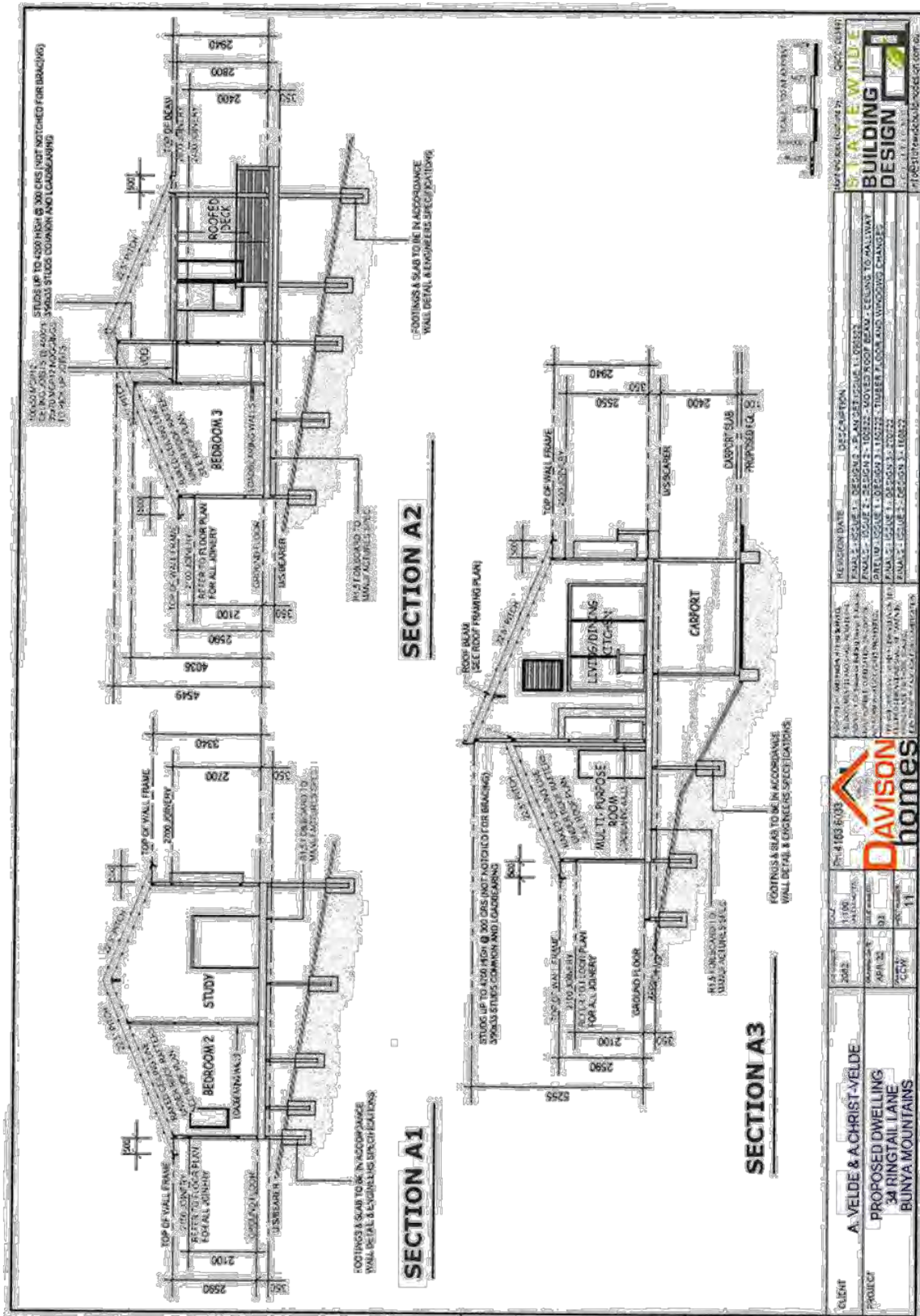
REVISION DATE	DESCRIPTION
FINAL 5 - ISSUE 1 - DESIGN 2 - PLAN SET ISSUE 1 - 06/2022	
FINAL 5 - ISSUE 2 - DESIGN 2 - 10/2022 - MOVED ROOF BEAM, CEILING TO HALLWAY	
FINAL 5 - ISSUE 1 - DESIGN 3 - 10/2022 - THIRREN FLOOR AND WINDOWS CHANGES	
FINAL 5 - ISSUE 1 - DESIGN 3 - 23/2/22	
FINAL 5 - ISSUE 2 - DESIGN 3 - 18/8/22	

DAVISON homes
 Ph 4183 6033

CLIENT	A. VELDE & A. CHRIST-VELDE
PROJECT	PROPOSED DWELLING 34 RINGTAIL LANE BUNYA MOUNTAINS
DATE	11/06/2022
DATE REVISED	03/04/2022
DATE ISSUED	03/04/2022
SCALE	1:100
NO. OF SHEETS	6

Delegated Authority

Date:



SLAYE WILDE BUILDING DESIGN

DAVISON homes

CLIENT	A. VELDE & ACHRIST-VELDE	DESIGNER	SLAYE WILDE BUILDING DESIGN
PROJECT	PROPOSED DWELLING 34 RINGTAIL LANE RUNYA MOUNTAINS	DATE	11/08/2022
SCALE	1:50	PROJECT NO.	2022-038
DATE	11/08/2022	CLIENT NO.	11/08/2022
PROJECT NO.	2022-038	PROJECT NAME	PROPOSED DWELLING 34 RINGTAIL LANE RUNYA MOUNTAINS
CLIENT NO.	11/08/2022	PROJECT LOCATION	34 RINGTAIL LANE RUNYA MOUNTAINS
PROJECT NAME	PROPOSED DWELLING 34 RINGTAIL LANE RUNYA MOUNTAINS	PROJECT STATUS	PROPOSED
PROJECT LOCATION	34 RINGTAIL LANE RUNYA MOUNTAINS	PROJECT VALUE	\$1,200,000
PROJECT STATUS	PROPOSED	PROJECT TYPE	RESIDENTIAL
PROJECT VALUE	\$1,200,000	PROJECT AREA	1,200 SQM
PROJECT TYPE	RESIDENTIAL	PROJECT PHASE	CONCEPT
PROJECT AREA	1,200 SQM	PROJECT TEAM	SLAYE WILDE BUILDING DESIGN
PROJECT PHASE	CONCEPT	PROJECT CONTACT	SLAYE WILDE BUILDING DESIGN

REGISTRATION DATE: 12/20/2019
 DESIGNER: SLAYE WILDE BUILDING DESIGN
 PROJECT NO.: 2022-038
 PROJECT NAME: PROPOSED DWELLING
 34 RINGTAIL LANE
 RUNYA MOUNTAINS
 PROJECT LOCATION: 34 RINGTAIL LANE
 RUNYA MOUNTAINS
 PROJECT VALUE: \$1,200,000
 PROJECT TYPE: RESIDENTIAL
 PROJECT AREA: 1,200 SQM
 PROJECT PHASE: CONCEPT

Delegated Authority

Date:

REPORT

The applicant seeks approval for a s81 Minor Change Request to a Code assessable development in the Low-Density Zone for a new dwelling house on land at Lot 34 Ringtail Lane, Bunya Mountains formally described as Lot 34 on GTP 4160.

APPLICATION SUMMARY	
Applicant:	Davidson Homes C/- Pacific Approvals Pty Ltd
Proposal:	Minor change to existing approval (Change to condition GEN1)
Properly Made Date:	28 October 2022
Street Address:	Firefly Drive, BUNYA MOUNTAINS
RP Description:	Lot 34 on GTP4160
Assessment Type:	Code
Number of Submissions:	N/A
State Referral Agencies:	N/A
Referred Internal Specialists:	Development Engineer

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

PROPOSED DEVELOPMENT	
Proposed Development:	Minor change to existing approval (Change to condition GEN1)
Variations Sought:	Minor change
Level of Assessment:	Code
Area to be used:	235 sqm
Site Cover:	Approx. 10%
Car Parking Spaces:	2
Service Vehicle Provision:	N/A
Submissions Received:	N/A

SITE DETAILS:

SITE AND LOCALITY DESCRIPTION								
Land Area:	2,173sqm							
Existing Use of Land:	Vacant land							
Road Frontage:	Ringtail Lane							
Easements	Nil							
Significant Site Features:	Nil							
Topography:	The site slopes down from Ringtail Lane.							
Surrounding Land Uses:	<table border="1"> <thead> <tr> <th>Land Use</th> <th>Zone/Precinct</th> </tr> </thead> <tbody> <tr> <td>North</td> <td rowspan="4">Residential dwelling houses within a Group Title development scheme.</td> </tr> <tr> <td>South</td> </tr> <tr> <td>East</td> </tr> <tr> <td>West</td> </tr> </tbody> </table>	Land Use	Zone/Precinct	North	Residential dwelling houses within a Group Title development scheme.	South	East	West
Land Use	Zone/Precinct							
North	Residential dwelling houses within a Group Title development scheme.							
South								
East								
West								

Delegated Authority

Date:

Background / Site History

APPLICATION NO.	DECISION AND DATE
<p>MCU22/0005</p>	<p>Approval for a Dwelling House Code assessable development in the Low-Density Zone for a new dwelling house on land at Lot 34 Ringtail Lane, Bunya Mountains formally described as Lot 34 on GTP 4160.</p> 

The existing approval authorised the establishment of a new dwelling house on the subject site which was made assessable by the planning scheme for performance outcomes contained within the Low-Density Zone Code.

The Proposed Change

The applicant submits changes to the building design with the following elements included:



- Raising the building so that the building is now totally built on stumps versus partial slab on ground.
- Providing a carport underneath the now raised building.
- Changing the proposed garage to a multi-purpose room;
- Additional access stairs with the now raised building.
- Slight change in siting of the building where it is now 13m from the frontage versus 19m from the frontage.
- Slight earthworks to greater a flat pad from the dwelling house.
- Other minor changes to the external façade as a consequence to the raising of the building.

The dwelling is located centrally within the site. The building is two storeys with an undercroft for a covered car parking space. The building is built on stumps with minor earthworks to create a flat pad external to the building footprint. Roof design are skillion roof lines. External wall cladding is a mix of sheet metal and axon cladding (timber look).

Delegated Authority

Date:

Table 1 – perspective plans

Approved Dwelling Perspectives	Proposed changes Perspectives
	

The applicant has submitted within the material for this change request a series of comparison drawings and associated commentary within the common material, that clearly outlines the proposed changes.

Apart from proposed design changes, subsequent amendments to the planning conditions of approval are also requested for the change decision to reflect administrative amendments to the decision package for the implementation of the changes.

The applicant notes the following changes to conditions which reference the approved plans, that are now to be superseded by the changed plans:

Delegated Authority

Date:

GENERAL																																																	
<p>GEN1. The development must be completed and maintained in accordance with the approved plans and documents and conditions to this development approval:</p> <table border="1"> <thead> <tr> <th>Drawing Title</th> <th>Prepared By</th> <th>Ref No.</th> <th>Revision</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Site Plan</td> <td>Davison Homes</td> <td>2082</td> <td>6</td> <td>26 April 2022</td> </tr> <tr> <td>Floor Plan</td> <td>Davison Homes</td> <td>2082</td> <td>6</td> <td>26 April 2022</td> </tr> <tr> <td>Elevations 1 and 2</td> <td>Davison Homes</td> <td>2082</td> <td>6</td> <td>26 April 2022</td> </tr> <tr> <td>Elevations 3 and 4</td> <td>Davison Homes</td> <td>2082</td> <td>6</td> <td>26 April 2022</td> </tr> </tbody> </table>					Drawing Title	Prepared By	Ref No.	Revision	Date	Site Plan	Davison Homes	2082	6	26 April 2022	Floor Plan	Davison Homes	2082	6	26 April 2022	Elevations 1 and 2	Davison Homes	2082	6	26 April 2022	Elevations 3 and 4	Davison Homes	2082	6	26 April 2022																				
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Change condition to include reference submitted plans

MINOR CHANGE CRITERIA Assessment

A minor change is a change application to a development approval as per s81 of *The Planning Act 2016*. A response to the minor change criteria is provided below.

Table 2. Assessment against Minor Change Criteria (*Planning Act 2016*, Schedule 2)

MINOR CHANGE CRITERIA	COMPLIES	RESPONSE
A minor change, for a development approval, means a change that would not—		
i. result in a substantially different development; or	✓	The proposed change does not create or result in a substantially different development. The use remains for a single dwelling house, the design amendments are not assessed to be substantially different to warrant a new application.
if a development application for the development, including the change, were made when the change application is made would not cause—		
A. the inclusion of prohibited development in the application; or	✓	The proposed change will not result in prohibited development.
B. referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or	✓	There were no referral agencies for the original application and the proposed changes do not result in additional referrals.
C. referral to extra referral agencies, other than to the chief executive; or	✓	The proposed changes do not require the application to be referred to extra referral agencies.
D. a referral agency to assess the application against, or have regard to,	✓	Not applicable

Delegated Authority

Date:

matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or		
E. public notification if public notification not required for the development application.	✓	The proposed changes do not change the level of assessment (Code assessment)

The *Development Assessment Rules 2017 (Schedule 1)* provide guiding criteria in relation to 'substantially different development'. The proposed change is assessed against these criteria in **Table 3**.

Table 3. Assessment against Substantially Different Development Criteria (Development Assessment Rules 2017)

Substantially Different Development Criteria	Complies	Response
A change may be considered to result in a substantially different development if the proposed change:		
a. involves a new use	✓	There are no additional uses proposed.
b. results in the application applying to a new parcel of land	✓	The proposed change does not apply to a new parcel of land.
c. dramatically changes the built form in terms of scale, bulk and appearance	✓	<p>Main changes are that the building is brought forward from 19m to 13m, proposed additional earthworks, and water tank location.</p> <p>Also, driveway location due to new carport underneath the dwelling. The siting of the building still complies with the required 6m frontage and 1.5m side and 6m rear setbacks. The proposed earthworks are considered minor.</p> <p>With the change in height and provision of a carport underneath, the proposed garage has changed to a multi-purpose room. Other changes involve additional stairs and accessways due to the increased height.</p> <p>No planning consequences are identified by the inclusion of the changes.</p>
d. changes the ability of the proposal to operate as intended	✓	The changes do not affect the approved land uses granted under other permits.
e. removes a component that is integral to the operation of the development	✓	The change proposed does not involve the removal of any critical components of the development. Access and services to the approval with the changes remain the same.

Delegated Authority		Date:
f. significantly impacts on traffic flow and the transport network, such as increasing traffic to the site	✓	The proposed change to the approval does not change the ultimate traffic or transport arrangements.
g. introduces new impacts or increases the severity of known impacts	✓	There are no new impacts or increased impacts raised by the change to the internal or external environment. The need for additional minor earthworks on site are appropriately able to be managed through the existing conditions of the approval.
h. removes an incentive or offset component that would have balanced a negative impact of the development	✓	There were no incentives or offsets as part of the original decision and there is no change because of this application.
i. impacts on infrastructure provision.	✓	There will be no change or impacts on infrastructure provision because of this Minor Change application.

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: Old Globe)

Delegated Authority _____

Date: _____

Aerial Plan



Figure 2 - Locality Plan (Source: IntraMaps)

Delegated Authority

Date

CONSULTATION:

Referral Agencies

Not applicable.

Other Referrals

INTERNAL SPECIALIST	REFERRAL	REFERRAL / RESPONSE
Development Engineer		Council's development engineer reviewed the application and provided Infrastructure Charges Notice.
Infrastructure Charges Unit		See Infrastructure Charges Notice attached.

CONCLUSION AND RECOMMENDATION:

The above assessment demonstrates that the proposed changes can be considered a minor change to the approval under the *Planning Act 2016*. The changes do not result in a substantially different development and does result in external impacts.

Changes to Conditions

There are no necessary changes to any of the conditions of approval other than where plan references are made. The existing conditions are to be Re-issued with the added new change plans listed below.

Delegated Authority

Date:

ATTACHMENTS


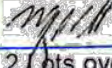
- 1. Attachment A - Statement of Reasons**
- 2. Attachment B - Infrastructure Charges Notice**

Delegated Authority

Date:

0.0 DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT (1 LOT INTO 2 LOTS) AT 122 GREENHILLS DRIVE, BLACKBUTT (AND DESCRIBED AS LOT 47 ON RP169789) APPLICANT: GERARD HARDY C/- ASHLEY LOVELL OF BAYBROOK.

File Number: RAL22/0038
Author: Senior Planning Officer
Authoriser: Chief Executive Officer

	SIGNATURE	DATE
MANAGER		15/11/22
GM		15/11/22
CEO		15.11.2022

PRECIS

Development application for Reconfiguration of a Lot – 1 Lot into 2 Lots over land described as Lot 47 on RP169789 and situated at 122 Greenhills Drive, Blackbutt. The Applicant is Gerard Hardy c/- Ashley Lovell of Baybrook and the application reference is RAL22/0038.

SUMMARY

- Application for Reconfiguration a lot – development permit (1 lot into 2 lots);
- Proposed configuration:
 - creating a front lot (containing the existing dwelling) and new single rear lot
 - both lots are to include areas of approximately 1 hectare, with the rear lot being accessed via a 10-metre-wide access handle.
- The subject site is located within the Rural Residential Zone (RR1 precinct – 4,000sqm lots) under the South Burnett Regional Council Planning Scheme 2017 (v1.4) and is identified on the Agricultural Land Overlay;
- Reconfiguring a Lot within the Rural Residential Zone is code assessable development provided the minimum lot dimensions are achieved (in accordance with Table 8.4.2 of the Planning Scheme);
- The proposed lot layout meets the minimum lot dimensions;
- The proposed development does not conflict with the current planning framework;
- Infrastructure Charges Notice (see Attachment A);
- Statement of Reasons (see Attachment B); and
- Based on an assessment of the matters Council (as Assessment Manager) must and may have regard to under section 45 (3) of the *Planning Act 2016* (the Planning Act), it is recommended that the application be approved subject to the conditions outlined herein.

OFFICER’S RECOMMENDATION

That Council approve the Reconfiguring a lot – development permit (1 lot into 2 lots) – 122 Greenhills Drive, Blackbutt (and described as Lot 47 on RP169789) – Applicant: Aspect Town Planning Pty Ltd – RAL22/0038 subject to the following conditions:

GENERAL

GEN1. The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

Plan/Document Name	Plan/Document Number	Revision
Proposal Plan	424-01	Issue A - 21/09/2022 Received by Council on 24 October 2022

Timing: At all times.

GEN2. Prior to sealing the Plan of Survey 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*.

Delegated Authority**Date:****VALUATION FEES**

GEN3. Payment of Department of Natural Resources, Mines and Energy valuation fees that will result from the issue of split valuations prior to Council sealing the Plan of Survey. The contribution is currently assessed at \$100.00 (2 x \$50.00); however, the actual amount payable will be based on Council's Register of Fees & Charges and the rate applicable at the time of payment.

PLANNING

PLN1. The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor or invitee of the Developer at all times unless otherwise stated.

Timing: Prior to survey plan endorsement and to be maintained at all times

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 Standards, relevant Australian Standards, and relevant design manuals.

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 adversely alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.

ENG7. Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

WATER SUPPLY

ENG8. Future dwellings shall provide on-site water storage with a minimum capacity of 45kl.

ON-SITE WASTEWATER TREATMENT

ENG9. 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

ENG10. All accesses shall be located in accordance with the approved plan.

Item 0.0

Page 2

Delegated Authority

Date:

ENG11. Design and construct accesses having a minimum width of 4 metres in accordance with Council's Standard Drawing No. 00049.

ENG12. For proposed Lot 2, construct a 100mm thick compacted gravel driveway 4m wide for the full length of the access handle.

TELECOMMUNICATION AND ELECTRICITY

ENG13. Provide telecommunications to all lots within the development.

ENG14. Prior to Council sealing the Survey Plan the applicant is to provide each lot with an electricity supply. The standards of service nominated by the electricity supply authority with reticulated electricity to be made available at the property boundary. Council will accept a certificate of supply from Ergon to satisfy this condition.

SERVICES - EXISTING CONNECTIONS

ENG15. Ensure that all services provided to the existing house on proposed Lot 1 are wholly located within the lot(s) it serves.

EROSION AND SEDIMENT CONTROL - GENERAL

ENG16. Ensure that all reasonable actions are taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.

STANDARD ADVICE

ADV1. Section 85(1)(a) of the *Planning Act 2016* provides that, if this approval is not acted upon within a period of four (4) years the approval will lapse.

ADV2. The general environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance cause by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the premises during all stages of the development, including earthworks, construction and operation.

ADV3. All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the "cultural heritage duty of care"). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsima.qld.gov.au

ADV4. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* as regards Appeal Rights.

ADV5. Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 119 of the *Planning Act 2016*.

DEVELOPER INCENTIVE

ADV6. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 31 December 2023. Eligible development under this scheme is required to be completed by 31 December 2023.

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

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FINANCIAL AND RESOURCE IMPLICATIONS

No implication can be identified.

LINK TO CORPORATE/OPERATIONAL PLAN

Growth and Opportunity

GO2 Balanced development that preserves and enhances our region.

GO2.1 Implement Council's planning scheme to support sustainable development of business, industry and community liveability

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.

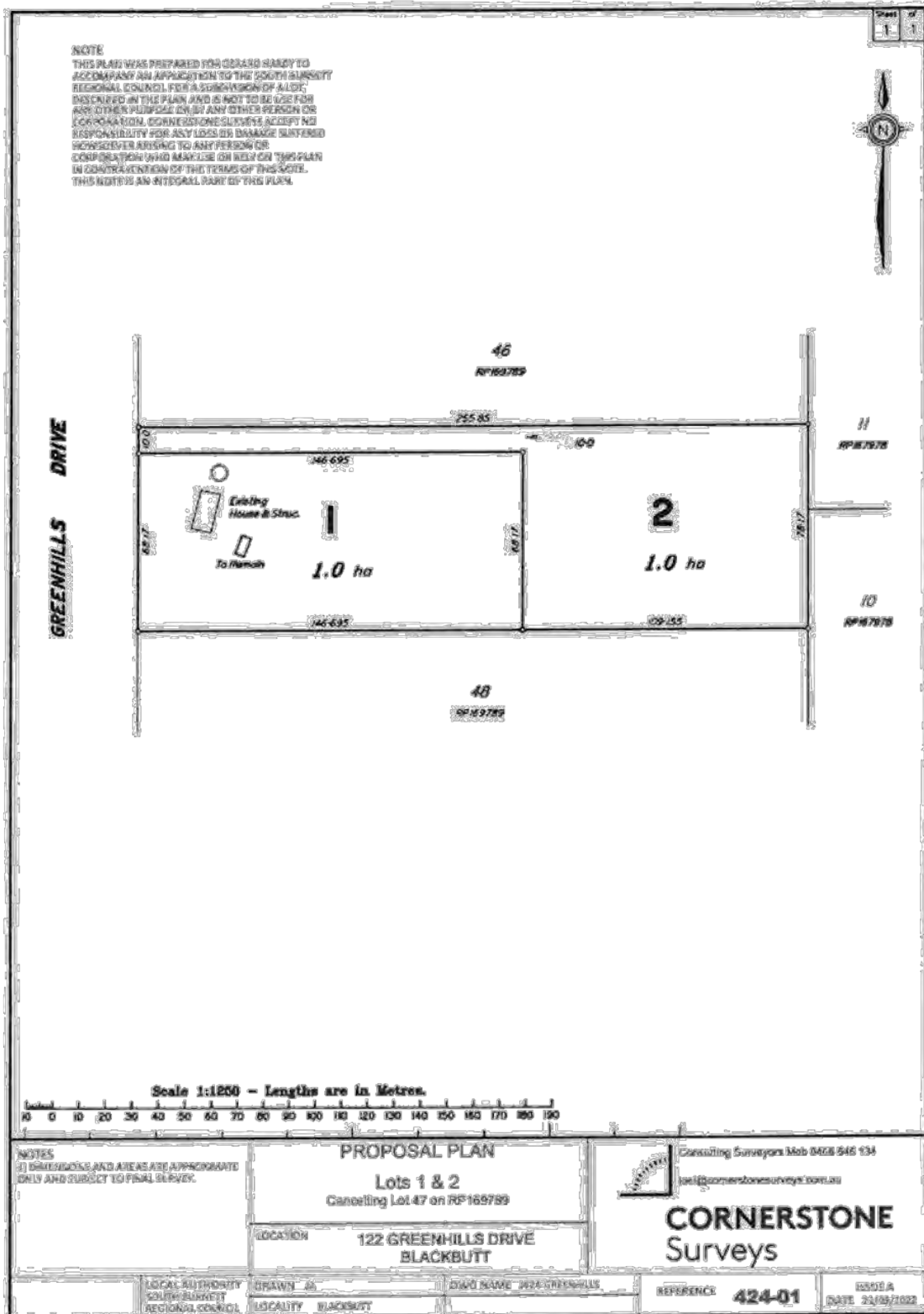
ASSET MANAGEMENT IMPLICATIONS

No implication can be identified.

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PROPOSAL PLAN



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REPORT

The applicant seeks approval for a development Permit for a Reconfiguration of a lot (1 Lot into 2 Lots).

APPLICATION SUMMARY	
Applicant:	Gerard Hardy c/- Aspect Town Planning Pty Ltd
Proposal:	Development Permit for Reconfiguration of a Lot (1 Lot into 2 Lots)
Properly Made Date:	26 September 2022
Street Address:	122 Greenhills Drive, Blackbutt
RP Description:	Lot 47 on RP169789
Assessment Type:	Code Assessment
Number of Submissions:	N/A
State Referral Agencies:	N/A
Referred Internal Specialists:	Development Engineer

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

DEVELOPMENT PARAMETERS	
Number of Proposed Lots	1 Lots into 2 Lots
Size of Proposed Lots	Lot 1: 1.0ha Lot 2: 1.0ha
Easements	N/A
Covenants	N/A

SITE DETAILS:

SITE AND LOCALITY DESCRIPTION		
Land Area:	2 hectares	
Existing Use of Land:	Single residential dwelling house	
Road Frontage:	Access via Greenhills Drive	
Road/s	Road Hierarchy	
Greenhills Drive	Place	
Topography:	Gradual downward fall of 2-3m, west to east, generally from 47m to 45m AHD, at a grade of 1-2%	
Surrounding Land Uses:	Land Use	Zone/Precinct
North	Dwellings and associated outbuildings	Rural Residential (RR1 Precinct)
South	Dwellings and associated outbuildings	Rural Residential (RR1 Precinct)
East	Dwellings and associated outbuildings	Rural Residential (RR1 Precinct)
West	Dwellings and associated outbuildings	Rural Residential (RR1 Precinct)
Services:	Reticulated electricity and telecommunications are available. Water and Sewer are on-site.	

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Background / Site History

APPLICATION NO.	DECISION AND DATE
	N/A

EXECUTIVE SUMMARY

This report carries out an independent town planning and assessment of the proposed development. The Applicant, Gerard Hardy c/- Aspect Town Planning Pty Ltd, seeks a Development Permit for Reconfiguration of a Lot (1 Lot into 2 Lots) over land described as Lot 47 on RP169789 and situated at 122 Greenhills Drive, Blackbutt.

SITE AND LOCALITY

Site Description

The subject site is located at 122 Greenhills Drive, Blackbutt and is formally described as Lot 47 on RP169789. The site has an area of 2 hectares and is of regular configuration.

The subject site currently contains a single residential dwelling, accessed via a driveway crossover from Greenhills Drive. The land contains some scattered vegetation and includes a frontage of approximately 78 metres to Greenhills Drive.



Figure 1: Aerial of Subject Site (Source: Queensland Globe).

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Surrounding Land Uses

The subject site is situated in the town of Blackbutt, which is approximately 60 kilometres south from Kingaroy and 35 kilometres south of the town centre of Nanango. The surrounding area predominantly comprises of rural residential dwellings on large lots in all directions. Most lots are a similar size to the existing site (2 + hectares) however there is some evidence of subdivision into smaller lots having occurred in the surrounds.

PROPOSAL OVERVIEW

The Applicant seeks a Development Approval for a Reconfiguration of a Lot (1 into 2 lots). The proposed lot configuration will retain the existing house on the subject site and create a new rear lot with a 10-metre-wide access handle. The proposed lots will be one hectare each, shown in Figure 2 below.

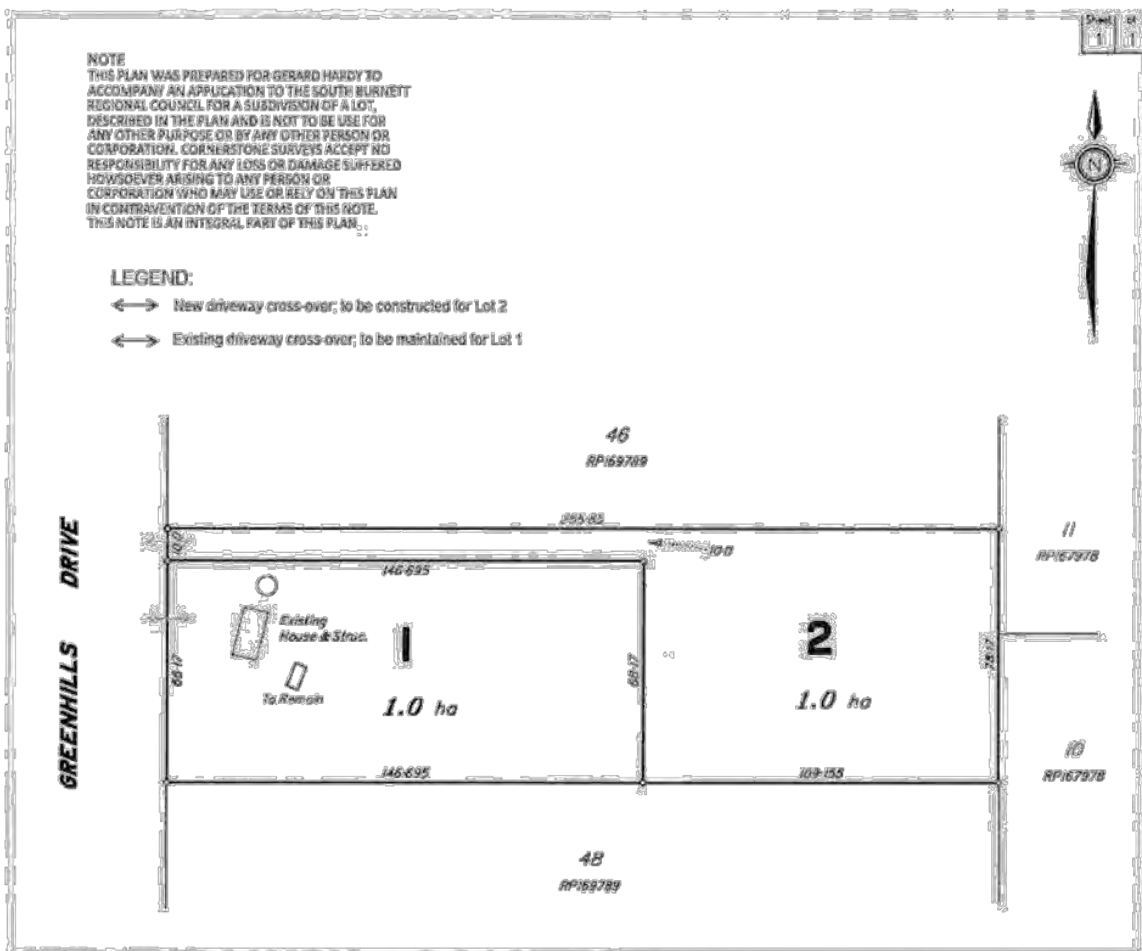


Figure 2: Proposed Lot Reconfiguration (Source: Cornerstone Surveys)

Vehicular access to the proposed lots will be provided to Greenhills Drive which is a bitumen sealed road. The lots will be connected to reticulated electricity and telecommunications however water and sewer will be on-site.

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TOWN PLANNING CONTEXT

Table 3 provides an overview of the current town planning framework relevant to the subject site.

TABLE 3 – SUMMARY OF LOCAL PLANNING INSTRUMENT	
State Planning Context	
Regional Plan	<i>Wide Bay Burnett Regional Plan 2011 (the Regional Plan)</i>
State Planning Policy	<i>State Planning Policy (July 2017) (the SPP)</i>
SARA DA Mapping	Water Resources - Water resource planning area boundaries
Referrals	N/A
Assessment Benchmarks	N/A
Local Planning Context	
Planning Scheme	<i>South Burnett Regional Council Planning Scheme 2017 (v1.4)</i>
Strategic Framework Designation	Rural Residential
Zone	Rural Residential Zone (see Figure 3)
Overlays	Agricultural land overlay
Defined Use	Reconfiguring a Lot
Level of Assessment	Code Assessment
Assessment Benchmarks	<ul style="list-style-type: none"> • Rural residential zone code • Reconfiguring a lot code • Services and works code

PLANNING ASSESSMENT**Planning Regulation 2017**

This section of the report includes an assessment of the proposed development against Schedule 10 of the Planning Regulation 2017 (the Planning Regulation).

Schedule 9 – Building Works

It is noted that assessment benchmarks and matters stated in Schedule 9 of the Regulation are not relevant to this development application for a lot reconfiguration but may be relevant to subsequent development such as building work.

Schedule 10 – Assessable Development

The proposed development does not involve prescribed assessable development under Schedule 10.

Other Matters for Code Assessment

This section of the report includes an assessment of the proposed works against the other matters that code assessment must have regard to as required by the Planning Regulation 2017 (section 27) namely:

- the Planning Scheme;
- the Regional Plan;
- the State Planning Policy, to the extent the SPP is not identified in the planning scheme as being appropriately integrated in the planning scheme;
- any temporary State planning policy applying to the premises;

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- any development approval for, and any lawful use of, the premises or adjacent premises; and
- the common material.

In accordance with section 45 (5)(a) of the Planning Act, Code Assessment is an assessment that must be carried out–

- (i) *Against the **assessment benchmarks in a categorising instrument** for the development; and*
- (ii) *Having regard to **any matters prescribed by regulation** for this paragraph.*

In this instance under **section 45 (3)(a)(i) of the Planning Act**, the categorising instrument for the development is the South Burnett Regional Council Planning Scheme 2017 (v1.4) under which the applicable assessment benchmarks are the Rural Residential Zone Code, Reconfiguring a Lot Code and Services and Works Code.

The planning and assessment of the development considers the above assessment benchmarks and matters to the extent that the assessment benchmark and matter is relevant to the development.

Planning scheme

Defined Use

The proposed Reconfiguring a Lot component is defined, pursuant to the Planning Act 2016, as:

- (a) **creating lots by subdividing another lot; or**
- (b) *amalgamating 2 or more lots; or*
- (c) *rearranging the boundaries of a lot by registering a plan of subdivision under the Land Act or Land Title Act; or*
- (d) *dividing land into parts by agreement rendering different parts of a lot immediately available for separate disposition or separate occupation, other than by an agreement that is –*
 - i. *a lease for a term, including renewal options, not exceeding 10 years; or*
 - ii. *an agreement for the exclusive use of part of the common property for a community titles scheme under the Body Corporate and Community Management Act 1997; or*
- (e) *creating an easement giving access to a lot from a constructed road.*

We consider that the **bold** elements of the Reconfiguring a Lot definition are appropriate to the proposed lot reconfiguration.

Assessment Benchmarks

Pursuant to under Section 5.6, Table 5.6.1 – Level of Assessment in the Rural Residential Zone for Reconfiguring a Lot is subject to Code Assessment. The relevant assessment benchmarks are:

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

Rural Residential Zone Code

The subject site is situated in the Rural Residential Zone of the Planning Scheme. The purpose of the Rural Residential Zone is to provide for residential uses and activities on large lots, including lots for which the local government has not provided infrastructure and services. The proposal for the lot reconfiguration is appropriate for the zone as it is not changing the physical use of the site and will create two appropriately sized lots that facilitates future rural residential development.

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Figure 3: Zoning Map (Source: Planning Scheme).

The following table sets out an assessment of the proposal against the overall outcomes for the Rural Residential Zone Code.

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Table 6.2.14.3 Criteria for Assessment

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
General		
<p>PO1 Buildings and structures must complement the semi-rural character of nearby development and protects residential amenity.</p>	<p>AO1.1 Site cover does not exceed 10%.</p> <p>and</p> <p>AO1.2 Buildings and structures are not higher than 8.5m above ground level.</p> <p>and</p> <p>AO1.3 Buildings have a minimum set back of: (a) 10m to the road frontage; (b) 6m to a side or rear boundary.</p> <p>and</p> <p>AO1.4 The maximum length of any façade without articulation or change of materials is 15m.</p> <p>and</p> <p>AO1.5 On-site storage areas visible from outside the site are screened by a 1.8m high fence along intervening boundaries.</p> <p>and</p> <p>AO1.6 Outdoor lighting is designed, installed and maintained in accordance with AS4282 – Control of the Obtrusive Effects of Outdoor Lighting.</p>	<p>Not Applicable</p> <p>The proposal is for reconfiguration only.</p>
<p>PO2 Development minimises the potential for reverse amenity impacts for adjoining existing non-residential activities.</p>	<p>AO2.1 A well-maintained vegetative buffer is provided on the residential land between the residential development and adjacent existing non-residential use.</p>	<p>Not Applicable</p> <p>There are no adjacent non-residential uses.</p>

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<p>PO3 Dwellings are to be adequately serviced.</p>	<p>AO3.1 Where in a reticulated water supply area, development is to be connected to the supply network.</p> <p>and</p> <p>AO3.2 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.</p> <p>and</p> <p>AO3.3 The provision of on-site sewerage treatment conforms to the requirements of the Queensland Plumbing and Wastewater Code.</p> <p>and</p> <p>AO3.4 Each dwelling is provided with a service line connection to the electricity supply and telecommunications networks.</p> <p>and</p> <p>AO3.5 Stormwater discharge must be to a lawful point of discharge or to downstream properties but only with the consent of the affected landowners.</p> <p>and</p> <p>AO3.6 Development has direct access to a sealed road.</p>	<p>Not Applicable.</p> <p>The subject site is not located within a water supply area.</p> <p>Complies</p> <p>A condition has been recommended which requires a 45kl water tank be provided at the time of construction of a new dwelling house on the proposed lot.</p> <p>Complies.</p> <p>On site wastewater treatment plants can be wholly contained with the proposed lots they serve.</p> <p>Complies.</p> <p>Future dwellings can be connected to electricity and telecommunications.</p> <p>Complies</p> <p>The lots are of sufficient size that stormwater from future houses is unlikely to be concentrated onto adjoining properties.</p> <p>Complies.</p> <p>The proposal site fronts Greenhills Drive which is a bitumen sealed road. The rear lot is proposed to be accessed</p>
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Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
		<p>by an unsealed access driveway from Greenhills Drive.</p> <p>It is concluded that adequate service is available or can be provided to the proposed lots so that future dwellings are suitably serviced.</p>
<p>PO4 Development is located and designed to ensure that land uses are not exposed to:</p> <ul style="list-style-type: none"> (a) Areas that pose a health risk from previous activities; and (b) Unacceptable levels of contaminants. 	<p>AO4.1 Development does not occur:</p> <ul style="list-style-type: none"> (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. <p>or</p> <p>AO4.2 Areas that pose a health risk from previous activities and contaminated soils which are subject to development are remediated prior to plan sealing, operational works permit.</p>	<p>Not Applicable.</p> <p>There are no known or listed contamination on the subject sites that could pose a health risk due to contaminated soils.</p>
<p>Section 2 Where in the vicinity of an existing intensive animal industry</p>		<p>Not Applicable. The subject site is not located within the vicinity of any existing intensive animal industry.</p>
<p>Section 3 Home based business</p>		<p>Not Applicable. The proposed development is for reconfiguring a lot.</p>
<p>Section 4 Secondary dwelling</p>		<p>Not Applicable. The proposed development is for reconfiguring a lot.</p>
<p>Section 5 For development affected by one or more overlays</p>		<p>Not Applicable. The site is not identified on any of the listed overlays.</p>

Summary of Compliance with Rural Residential Zone Code:

The proposed development complies with (or can be conditioned to comply with) the acceptable outcomes of the Rural residential zone code.

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Reconfiguring a Lot Code

Table 8.4.1—Assessable development

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
Section 1 Boundary Realignment PO1 – PO2		Not Applicable. The proposed development is not for a boundary realignment.
Section 2 Reconfiguration under a Community Title Scheme PO3 – PO6		Not Applicable. The proposed reconfiguration is not under a Community Title Scheme.
Section 3 All other reconfiguration		
<p>PO7 Allotments are of sufficient size and dimensions to meet the requirements of the users and provide for servicing of the intended use.</p>	<p>AO7.1 Development provides that allotment area, dimension and shape are in accordance with the standards in Table 8.4.2.</p> <p>and</p> <p>AO7.2 The minimum allotment size for any rear allotment shall be calculated exclusive of the area of the access corridor of the allotment.</p> <p>and</p> <p>AO7.3 Irregularly shaped allotments are designed to allow a building area of 15m by 10m to be setback 6m from the site frontage.</p>	<p>Complies The proposed lots each exceed the minimum area, dimension and shape requirements prescribed for the Rural Residential Zone.</p> <p>Complies The minimum lot size is achieved for the proposed lot when the access handle is excluded.</p> <p>Not applicable Irregular lots are not proposed.</p>
<p>PO8 Lots have lawful, safe and practical access.</p>	<p>AO8.1 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).</p> <p>and</p> <p>AO8.2 Newly created lots do not have direct access to sub-arterial or higher order roads.</p> <p>and</p>	<p>Complies The proposed lots have either direct road frontage or an access strip with width exceeding 3.5m.</p> <p>Complies</p>

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Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
	<p>AO8.3 Except in the Rural Zone, new lots, are provided with access to a sealed road.</p>	<p>Greenhills Drive is not identified as a higher order road.</p> <p>Complies Access for both lots is to Greenhills Drive which is sealed.</p>
<p>PO9 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>AO9.1 Only one rear lot is provided behind each full street frontage regular lot.</p> <p>and</p> <p>AO9.2 No more than two rear lot access strips directly adjoin each other.</p> <p>and</p> <p>AO9.3 No more than two rear lots gain access from the head of a cul-de-sac.</p> <p>and</p> <p>AO9.4 Rear lots are only created where the site gradient is greater than 5%.</p>	<p>Complies. The proposal will result in the creation of one rear lot which is to be accessed via an access handle from Greenhills Drive.</p> <p>Complies The site does not adjoin any other access handles</p> <p>Complies The site does not gain access via a cul-de-sac head</p> <p>Complies The site includes a grade of 1-2%.</p>
<p>PO10 The design and construction of new roads:</p> <p>(a) Maintain safe and efficient access to the transport network;</p> <p>(b) Creates integrated neighbourhoods; and</p> <p>(c) Are constructed to a standard that is commensurate with the intended use of allotments.</p>	<p>AO10.1 Intersection shall be spaced at no less than 45m from any other intersection.</p> <p>and</p> <p>AO10.2 Any intersections with existing roads shall be treated with a T-intersection or a roundabout.</p> <p>and</p>	<p>Not Applicable. The proposed development does not include any new roads.</p>

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Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
	<p>AO10.3 The road layout indicates connections to adjoining development sites.</p> <p>and</p> <p>AO10.4 Other than in the Rural or Rural Residential Zones, new streets are provided with layback kerb and channel.</p> <p>or</p> <p>AO10.5 In the Rural Residential Zone, new streets are provided with concrete flush kerbs and swale drains.</p>	
<p>PO11 The provision of services is resistant to inclement weather and does not degrade the character of the area.</p>	<p>AO11.1 Where the reconfiguration involves the opening of a new road, all electricity and telecommunications services are located underground.</p>	<p>Not Applicable. The proposed development does not include any new roads.</p>
<p>PO12 Reconfiguration facilities 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.</p>	<p>AO12.1 No outcome specified.</p>	<p>Not Applicable. Integration of walking and cycling networks are not relevant to this proposal in the Rural Residential Zone.</p>
<p>PO13 Public open space is provided in response to community need.</p>	<p>AO13.1 Public open space is provided in accordance with the Priority Infrastructure Plan.</p>	<p>Not Applicable. The proposed development does not require the provision of public open space.</p>
<p>PO14 Reconfiguration into allotments less than 400m² in the Medium Density Residential zone is facilitated where design outcomes are consistent with expectations for the zone.</p>	<p>AO14.1 Reconfiguration in the Medium Density Residential zone involving allotments less than 400m² where creating allotments for individual units in an approved and completed multiple dwelling or dual occupancy.</p>	<p>Not Applicable. The subject site is located within the Rural Residential Zone.</p>
<p>PO15 Reconfiguration into allotments less than 400m² in the Medium Density Residential zone is to provide for suitable living environments.</p>	<p>For allotments less than 400m² –</p> <p>AO15.1 All lots are orientated to within 20° of north.</p> <p>AO15.2 All lots are to be sized and shaped to accommodate a 10m x 20m rectangle.</p>	<p>Not Applicable. The subject site is located within the Rural Residential Zone.</p>

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Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
Section 4 All reconfiguring a lot subject to an overlay		Not Applicable. The site is not identified on any of the listed overlays.

Summary of Compliance with the Reconfiguring a Lot Code:

The proposed development seeks to reconfigure one (1) existing lot to create two (2) lots. The proposed lots are considered to be of an appropriate size and do not compromise the existing or future use of the lots. The development will not have any adverse impacts on the surrounding residential dwellings. The proposed development complies with (or can be conditioned to comply with) the acceptable outcomes of the Reconfiguring a lot code.

Services and Works Code

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
General		
PO1 The development is planned and designed considering the land use constraints of the site for achieving stormwater design objectives.	AO1.1 A stormwater quality management plan provides for achievable stormwater quality treatment measures that meet the design objectives identified in Table 9.4.4.	Complies with the Performance Outcome Both lots are of sufficient size to avoid the concentration of stormwater from future buildings. No changes to ground levels are proposed.
PO2 Development does not discharge wastewater to a waterway or off-site unless demonstrated to be best practice environmental management for that site.	AO2.1 A wastewater management plan prepared by a suitably qualified person and addresses : (a) wastewater type; (b) climatic conditions; (c) water quality objectives; (d) best-practice environmental management; and AO2.2 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	Complies. Wastewater system designs will be prepared as part of the permit approval for the wastewater systems of each new dwellings on the proposed lots. Given the size of the lots, these systems can be safely setback from any sensitive features.

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Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
<p>PO3 Construction activities avoid or minimise adverse impacts on stormwater quality.</p>	<p>AO3.1 An erosion and sediment control plan addresses the design objectives for the construction phase in Table 9.4.4</p>	<p>Not Applicable. There are no extensive construction activities proposed as part of the development. Basic erosion and sediment control measures can be conditioned for construction of the new driveway.</p>
<p>PO4 Operational activities avoid or minimise changes to waterway hydrology from adverse impacts of altered stormwater quality and flow.</p>	<p>AO4.1 Development incorporates stormwater flow control measures to achieve the design objectives for the postconstruction phase in Table 9.4.4.</p>	<p>Not Applicable. There are no known waterways passing through the site and limited ground disturbance proposed.</p>
<p>Section 2 Infrastructure</p>		
<p>PO5 Development is provided with infrastructure which:</p> <ul style="list-style-type: none"> (a) conforms with industry standards for quality; (b) is reliable and service failures are minimised; and (c) is functional and readily augmented. 	<p>AO5.1 Except in the Rural zone, all development occurs on a site with frontage to a sealed road.</p> <p>and</p> <p>AO5.2 Infrastructure is designed and constructed in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>	<p>Complies. The subject site fronts to Greenhills Drive which is bitumen sealed.</p> <p>Complies Limited infrastructure is proposed however the driveways and crossovers can be conditioned to meet the relevant standards.</p>
<p>Part 3 Vehicle Parking</p>		

Delegated Authority

Date:

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
<p>PO6 Vehicle parking and access is provided to meet the needs of occupants, employees, visitors and other users.</p>	<p>AO6.1 Vehicle parking spaces are provided on-site in accordance with Table 9.4.5.</p> <p>and</p> <p>AO6.2 A service bay is provided on-site for the service vehicle nominated in Table 9.4.5.</p> <p>and</p> <p>AO6.3 Driveway crossings are provided to the standard contained in PSP1 – Design and Construction Standards.</p> <p>and</p> <p>AO6.4 Vehicle parking and manoeuvring areas are provided in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>	<p>Complies.</p> <p>The proposal is for reconfiguring a lot only so no formal parking is warranted. The lots are sufficiently large to accommodate future parking demands.</p> <p>Complies.</p> <p>As above.</p> <p>Complies</p> <p>Driveways will be conditioned to comply with the standard.</p> <p>Complies</p> <p>Vehicle manoeuvring areas (including the new driveway for the proposed rear allotment) will be conditioned to comply with the standard.</p>
<p>Section 4 Landscaping</p>		

Delegated Authority

Date:

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
<p>PO7 Landscaping is appropriate to the setting and enhances local character and amenity.</p>	<p>AO7.1 Landscaping is provided in accordance with the relevant zone code provisions.</p> <p>and</p> <p>AO7.2 Where shade tree planting is required in vehicle parking areas each planting bed has a minimum area of 2m² and is unsealed and permeable.</p> <p>and</p> <p>AO7.3 Plantings along frontages or boundaries are in the form of 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>Not Applicable.</p> <p>The proposed development is for reconfiguring a lot and will not involve any landscaping works as part of the proposal.</p>
<p>PO8 Plant species avoid adverse impacts on the natural and built environment, infrastructure and the safety of road networks.</p>	<p>AO8.1 Landscaping utilises plant species that are appropriate for the location and intended purpose of the landscaping.</p> <p>and</p> <p>AO8.2 Species selection avoids non-invasive plants.</p> <p>Editor's Note. Guidance on plant selection is provided in Branching Out - Your Handy Guide to tree Planting in the South Burnett available from Council.</p>	<p>Not Applicable.</p> <p>The proposed development is for reconfiguring a lot and will not involve any landscaping works as part of the proposal.</p>

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Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
<p>PO9 Development results in ground levels that retain: (a) access to natural light; (b) aesthetic amenity; (c) privacy; and (d) safety.</p>	<p>AO9.1 The depth of: (a) fill is less than 2m above ground level; or (b) excavation is less than 2m below ground level.</p> <p>and</p> <p>AO9.2 The toe of the fill, or top of the excavation is not less than 0.5m inside the site property boundary.</p> <p>and</p> <p>AO9.3 Works do not occur on slopes over 15% in grade.</p> <p>and</p> <p>AO9.4 Retaining walls over 1m in height are terraced 1.5m for every 1m in height and landscaped.</p> <p>and</p> <p>AO9.5 Batter slopes are not steeper than 25% and are grassed and terraced 1.5m for every 1m in height.</p> <p>and</p> <p>AO9.6 Filling or excavation for the purpose or retention of water: (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>Not Applicable</p> <p>No significant cut/fill is proposed. Any cut or fill to provide vehicle crossovers and building pads will comply with these requirements or be subject to approval as part of the building approval process for new dwellings on the proposed lots.</p>
<p>PO10 Filling or excavation does not cause damage to public utilities.</p>	<p>AO10.1 Filling or excavation does not occur within 2m horizontally of any part of an underground water supply, sewerage, stormwater, electricity or telecommunications system.</p>	<p>Not Applicable.</p> <p>No filling or excavation works are proposed as part of this development application.</p>

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Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
<p>PO11 Filling and excavation avoids water ponding on the premises or nearby premises that will adversely impact on the health of the community.</p>	<p>AO11.1 Following filling or excavation: (a) The premises: (i) Are self-draining; and, (ii) Has a minimum slope of 0.25%; and (b) Surface water flow is: (i) Directed away from neighbouring properties; or (ii) Discharged into a stormwater drainage system designed and constructed in accordance with AS3500 section 3.2</p>	<p>Not Applicable. No filling or excavation works are proposed as part of this development application.</p>

Summary of Compliance with the Services and Works Code:

The proposed development generally complies with (or can be conditioned to comply with) the acceptable outcomes of the Services and works code. There is a performance outcome in relation to stormwater as a stormwater plan was not submitted with the application. In this case the lots are of sufficient size that stormwater is unlikely to be concentrated as a result of future development such that it would cause an impact on adjoining land. There are no substantial earthworks proposed.

CONSULTATION

The application was code assessable, and no public notification was required.

Other Referrals

INTERNAL REFERRAL SPECIALIST	REFERRAL / RESPONSE
<p>Development Engineer</p>	<p>Council's Development Engineer provided standard engineering conditions.</p>
<p>Infrastructure Charges Unit</p>	<p>Council adopted a LGIP on 24 June 2019 which commenced on 1 July 2019.</p> <p>The types of development that may trigger the issuing of an infrastructure charges notice are: a) Reconfiguring a lot; b) Making a Material change of use; c) Carrying out Building Work.</p> <p>The property is within the Transport & Parks & Land of Community facilities networks and is therefore subject to relevant adopted charges.</p> <p>Refer to Infrastructure Charges Notice attached as Attachment A.</p>

Delegated Authority

Date

Information Request

On 19 October 2022, Council issued an information request identifying that the proposed driveway to the rear lot would be required to be constructed to the design standard in the planning scheme. The request then sought confirmation from that applicant that they did not want to rearrange the lot layout to reduce the length of driveway (and associated cost). Finally, the request sought an amended plan with the access locations shown.

The applicant responded via email dated 22 October 2022 confirming that they wished to retain the proposed lot layout, enclosing an amended plan showing the access locations.

GROUNDS FOR APPROVAL / RECOMMENDATION

Grounds to support the development

- The subdivision is appropriate for the site, anticipated by the planning scheme, with any constraints able to be managed by way of Condition.
- The subdivision will result in lot sizes consistent with the surrounding rural residential setting and other rural residential properties nearby
- The access to each property can be managed so that they are safe and efficient for each lot from Greenhills Drive.
- The access to the rear lot via an access handle can be conditioned to ensure compliance.
- There is no identified impact or additional demand placed on trunk infrastructure networks for this development that is outside the Priority Infrastructure Area for Nanango.

Delegated Authority

Date

ATTACHMENTS

- 1. Attachment A - Infrastructure Charges Notice**
- 2. Attachment B - Statement of Reasons**

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

APPLICANT:	Gerard Hardy C/- Aspect Town Planning Pty Ltd PO Box 2101 GRACEVILLE EAST QLD 4075	
APPLICATION:	Reconfiguration of a lot (1 lot into 2 lots)	
DATE:	09/11/2022	
FILE REFERENCE:	RAL22/0038	
AMOUNT OF THE LEVIED CHARGE: <i>(Details of how these charges were calculated are shown overleaf)</i>	\$4,419.00	Total
	\$0.00	Water Supply Network
	\$0.00	Sewerage Network
	\$2,410.00	Transport Network
	\$2,009.00	Parks and Land for Community Facilities Network
	\$0.00	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 47 RP169789	
SITE ADDRESS:	122 Greenhills Dr, Blackbutt	
PAYABLE TO:	South Burnett Regional Council	
WHEN PAYABLE: <i>(In accordance with the timing stated in Section 122 of the Planning Act 2016)</i>	Reconfiguring a Lot – When South Burnett Regional Council approves the Plan of Subdivision.	
OFFSET OR REFUND:	Not Applicable	

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

DETAILS OF CALCULATION

Water Supply

Adopted Charges

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

Discounts*

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

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	\$5,423.00	CR Table 2.3	\$10,846.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Lot	1	allotment	\$5,423.00	CR Table 2.3	\$5,423.00

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

Stormwater

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

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Reconfiguring a Lot (1 into 2)	\$0.00	\$0.00	\$2,410.00	\$2,009.00	\$0.00	\$4,419.00
Total	\$0.00	\$0.00	\$2,410.00	\$2,009.00	\$0.00	\$4,419.00

** In accordance with Section 3.3 of the Charges Resolution, the discount may not exceed the adopted charge. Any surplus discounts will not be refunded, except at South Burnett Regional Council's discretion.*

INFORMATION NOTICE

Authority and Reasons for Charge	This Infrastructure Charges Notice has been given in accordance with section 119 of the <i>Planning Act 2016</i> to support the Local government's long-term infrastructure planning and financial sustainability.
Appeals	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.
Automatic Increase Provision of charge rate (\$)	<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 average¹. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.</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>
GST	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.
Making a Payment	<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 info@southburnett.qld.gov.au</p>

¹ 3-yearly PPI average is defined in section 114 of the *Planning Act 2016* and means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters. PPI Index is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics.

Payment can be made at any of the following South Burnett Regional Council Offices:

- 69 Hart Street, Blackbutt, 4314;
- 45 Glendon Street, Kingaroy, 4610;
- 42 Stephens Street West, Murgon, 4605;
- 48 Drayton Street, Nanango, 4615;
- McKenzie Street, Wondai, 4606; or
- via other methods identified on the Itemised Breakdown.

Enquiries

Enquiries regarding this Infrastructure Charges Notice should be directed to the SOUTH BURNETT REGIONAL COUNCIL, Department of Planning and Land Management, during office hours, Monday to Friday by phoning (07) 4189 9100 or email at info@southburnett.qld.gov.au

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:

Applicant:	G A Hardy C/- Aspect Town Planning Pty Ltd
Proposal:	Development Permit for Reconfiguring a Lot 1 into 4 Lots
Street Address:	122 Greenhills Drive BLACKBUTT QLD 4314
RP Description:	Lot 47 RP 169789
Assessment Type:	Code Assessment

On 8 November 2022 the above development was:

- Approved in full, with conditions.

1. Reasons for the Decision

The reasons for this decision are:

- The subdivision is appropriate for the site, anticipated by the planning scheme, with any constraints able to be managed by way of Condition.
- The subdivision will result in lot sizes consistent with the surrounding rural residential setting and other rural residential properties nearby
- The access to each property can be managed so that they are safe and efficient for each lot from Greenhills Drive.
- The access to the rear lot via an access handle can be conditioned to ensure compliance.
- There is no identified impact or additional demand placed on trunk infrastructure networks for this development that is outside the Priority Infrastructure Area for Nanango.

2. Assessment Benchmarks

The following are the benchmarks apply to this development:

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

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

Delegated Authority

Date:

0.0 RECONFIGURING A LOT (1 LOT INTO 4 LOTS) AT 4 GILLILAND CRESCENT, BLACKBUTT NORTH (AND DESCRIBED AS LOT 57 ON RP206873) - APPLICANT: BLACKBUTT CENTRAL PTY LTD C/- ONF SURVEYORS

File Number: RAL22/0021
Author: Planning Officer
Authoriser: Chief Executive Officer

SIGNATURE	DATE
<i>[Signature]</i>	7/11/22
<i>[Signature]</i>	7/11/22
<i>[Signature]</i>	8.11.2022

PRECIS

Reconfiguring a lot (1 lot into 4 lots) at 4 Gilliland Crescent, Blackbutt North (and described as Lot 57 on RP206873) - Applicant: Blackbutt Central Pty Ltd C/- ONF Surveyors

SUMMARY

- The applicant seeks approval for a Development Permit for Reconfiguring a Lot – Subdivision (1 into 4 lots).
- Boundary configuration as follows:
 - Total area of existing lot 57 is 2ha;
 - Proposed lot 1 is 8,035m²;
 - Proposed lot 2 is 4,000m²;
 - Proposed lot 3 is 4,000m²;
 - Proposed lot 4 is 4,000m².
- Proposed lot 1 will include the existing house;
- Proposed lots 2, 3 and 4 have the potential for a dwelling house.
- Access to existing lot 57 gains access from Gilliland Crescent.
- Proposed lot 1 will retain the existing access from Gilliland Crescent, however access will be upgraded;
- Proposed lots 2, 3 and 4 will require new accesses from Anita Road.
- The subject site is located in the Rural Residential Zone (RR1 Precinct) within the South Burnett Regional Council Planning scheme.
- The proposed subdivision complies with the prescribed minimum lot dimensions for the rural residential zone RR1 precinct and is therefore subject to code assessment.
- The development application is assessed against the relevant codes of the South Burnett Regional Council Planning Scheme. Relevant codes include:
 - Reconfiguring a lot Code;
 - Rural Residential Zone Code;
 - Services and Works Code.
- An Information Request was issued in relation to existing onsite wastewater disposal system and bushfire risk as the site is mapped very high potential bushfire hazard risk. Council requested a new bushfire hazard report to address the State adopted methodology and a bushfire hazard mitigation plan as the report lacked discussion or detail on how the mitigation measures at the subdivision stage can be addressed to reduce risk.
- The applicant submitted a revised Bushfire Management Report which reasonably addressed the requirements in Council’s Information Request. The report identified that the site is within the medium category and can be effectively managed.
- 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

Delegated Authority

Date:

That Council approve the development permit for a Reconfiguring a lot for the subdivision 1 into 4 lots at 4 Gilliland Crescent, Blackbutt North described as lot 57 RP206973, subject to the following conditions.

GENERAL

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

Title:	Prepared by:	Date:	Reference:	Revision:
Proposed Subdivision	ONF Surveyors	10/05/22	10531P/1	
Bushfire Management Report	Range Environmental Consultants	23/09/22	J001063	2

DEVELOPMENT PERIOD - RAL

GEN2. The currency period for this development approval for reconfiguring a lot is four (4) years after the development approval starts to have effect. The development approval will lapse unless the survey plan for all works and stages required to be given to Council for approval is provided within this period.

ENVIRONMENT (BUSHFIRE MANAGEMENT)

GEN3. Maintain access as shown on the approved plan of subdivision at all times from Gilliland Crescent to Lot 1 and from Anita Road to Lots 2, 3 and 4 that is suitable for use by QFES emergency service vehicles.

GEN4. Establish an Asset Protection Zone to the extent of the Building Location Envelope, to be established and maintained at all times in accordance with the Approved Bushfire Management Report dated 23 September 2022, on the western portion of Lot 2, 3 and 4 at the time of establishing a future dwelling on each lot.

Timing: A registered surveyor must survey and peg the approved asset protection zone prior to survey plan endorsement and to be maintained while marketing the lot for Sale.

No part of a building or structure including but not limited to tanks or pools associated with a dwelling house are to be located outside of the asset protection zone area at any time.

GEN5. Provide a dedicated fire-fighting water supply with a minimum capacity of 10,000 litres at the time of constructing a dwelling on Lot 2, 3 and 4 and to be maintained at all times.

That buildings are designed and constructed to meet the requirements of the relevant building standards prevailing at the time. This includes the Building Code of Australia (BCAC), the Australian Standard for Construction of buildings in bushfire-prone areas (AS3959 – 2018) and relevant Council bylaws and building regulations.

GEN6. Manage all vegetation on site in accordance with the requirements of the approved Bushfire Management Report dated 23 September 2022 at all times.

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, Standard Drawings, relevant Australian Standards, and relevant design manuals.

Delegated Authority

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 adversely alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.

- ENG7. Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

ON-SITE WASTEWATER DISPOSAL

- ENG8. 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.

Timing: Prior to the issue of a Building Approval for a future Dwelling on the proposed lots.

- ENG9. Confirm that the wastewater disposal area for the existing house is wholly contained with the proposed Lot 1, and meets the setback requirements of the Queensland Plumbing and Wastewater Code. If required, the onsite wastewater disposal land application area for the existing house shall be redesigned to be wholly located within proposed lot 1, to meet the requirements of the AS 1547 and the Queensland Plumbing and Waste Water Code. The updated design shall be carried out by a suitably qualified person, with relevant plumbing application made to Council.

Timing: Approval to be obtained prior to sealing of the survey plan.

VEHICLE ACCESS – PROPOSED LOT 2, 3 AND 4

- ENG10. Design and construct a gravelled driveway and a crossover having a minimum width of 4 metres and vehicle turnout in accordance with Council's Standard Drawing No. 00049.

- ENG11. Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure including any stormwater gully pit, manhole, service infrastructure (eg power pole, telecommunications pit), road infrastructure (eg street sign, street tree, etc).

VEHICLE ACCESS – PROPOSED LOT 1

- ENG12. Upgrade the existing access to a gravelled driveway and a crossover having a minimum width of 4 metres and vehicle turnout in accordance with Council's Standard Drawing No. 00049. No changes are required to the existing culvert.

ELECTRICITY AND TELECOMMUNICATIONS

- ENG13. Provide electricity supply to all lots within the development to comply with Ergon Energy's requirements.

- ENG14. Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity.

Delegated Authority

Date:

ENG15. Provide telecommunications to all lots within the development.

SERVICES – EXISTING CONNECTIONS

ENG16. Ensure that all services provided to the existing house on proposed Lot 1 are wholly located within the lot(s) it serves.

EROSION AND SEDIMENT CONTROL – GENERAL

ENG17. Ensure that all reasonable actions are taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.

ENG18. Remove and clean-up the sediment or other pollutants in the event that sediment or other pollutants are tracked or released onto adjoining streets or stormwater systems, at no cost to Council.

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 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

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

DEVELOPMENT INCENTIVE SCHEME

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

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

VALUATION FEES

ADV5. 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 \$100.00 (2 x \$50.00); 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.

TELECOMMUNICATIONS CONNECTIONS

ADV6. Telecommunication connections can be arranged by logging onto Telstra's website (<http://www.telstra.com.au/smart-community/developers/index.htm>) and completing the 'Application for Reticulation'.

Delegated Authority

Date

ELECTRICITY RETICULATION SERVICES

ADV7. 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.

PROPERTY NOTE

PN1. Proposed Lots 2, 3 & 4 (original parcel Lot 57 on RP206873) is subject to an approved bushfire management plan. Future dwelling house/ habitable building is to be sited in accordance within the approved location envelope of the approved bushfire management plan.

Document Title	Prepared by	Date	Ref no.	Rev
Bushfire Management Report	Range Environmental Consultants	23/09/22	J001063	2

Delegated Authority

Date

FINANCIAL AND RESOURCE IMPLICATIONS

No implication can be identified.

LINK TO CORPORATE/OPERATIONAL PLAN

Growth and Opportunity

GO2 Balanced development that preserves and enhances our region.

GO2.1 Implement Council's planning scheme to support sustainable development of business, industry and community liveability

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.

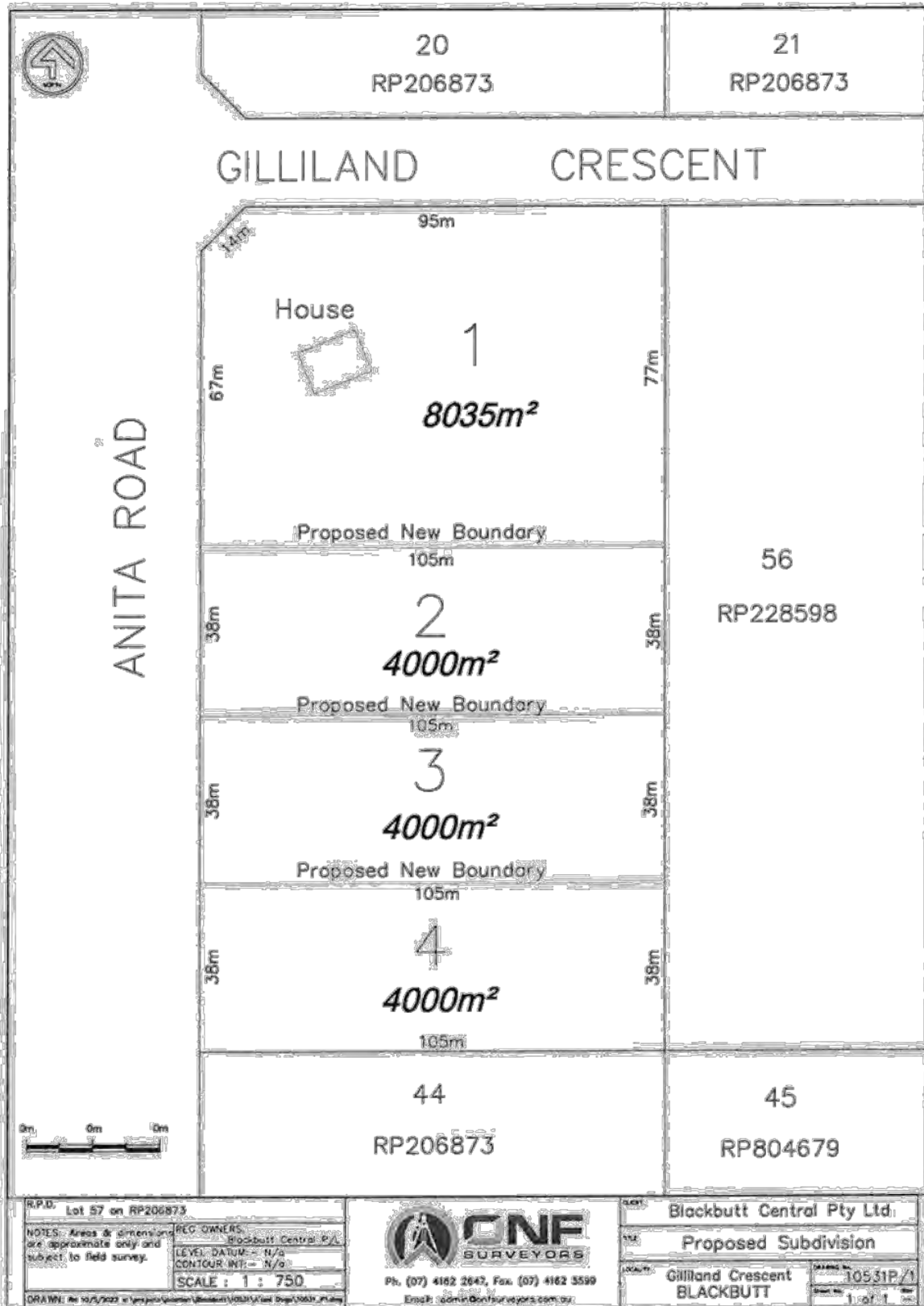
ASSET MANAGEMENT IMPLICATIONS

No implication can be identified.

Delegated Authority _____

Date: _____

PROPOSAL PLAN



Delegated Authority

Date:

REPORT

The applicant seeks approval for a development permit for a reconfiguring a lot (1 lot into 4 lots).

APPLICATION SUMMARY	
Applicant:	Blackbutt Central Pty Ltd C/- ONF Surveyors
Proposal:	Reconfiguring a lot (1 lot into 4 lots)
Properly Made Date:	18 May 2022
Street Address:	4 Gilliland Crescent, Blackbutt North
RP Description:	Lot 57 on RP206873
Assessment Type:	Code assessable
Number of Submissions:	N/A
State Referral Agencies:	N/A
Referred Internal Specialists:	Development Engineer

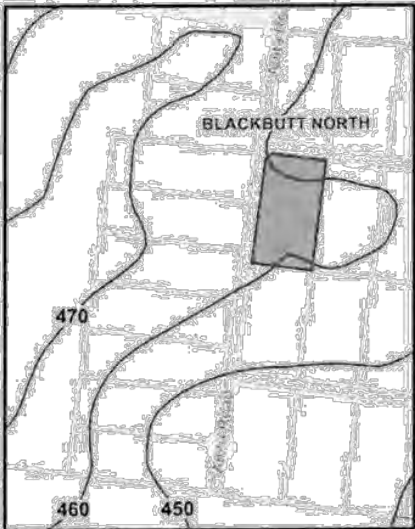
The following table describes the key development parameters for the proposal:

	DEVELOPMENT PARAMETERS
Number of Proposed Lots	1 lot into 4 lots
Size of Proposed Lots	Lot 1: 8,035m ² Lot 2: 4,000m ² Lot 3: 4,000m ² Lot 4: 4,000m ²
Easements	N/A
Covenants	N/A

Delegated Authority _____

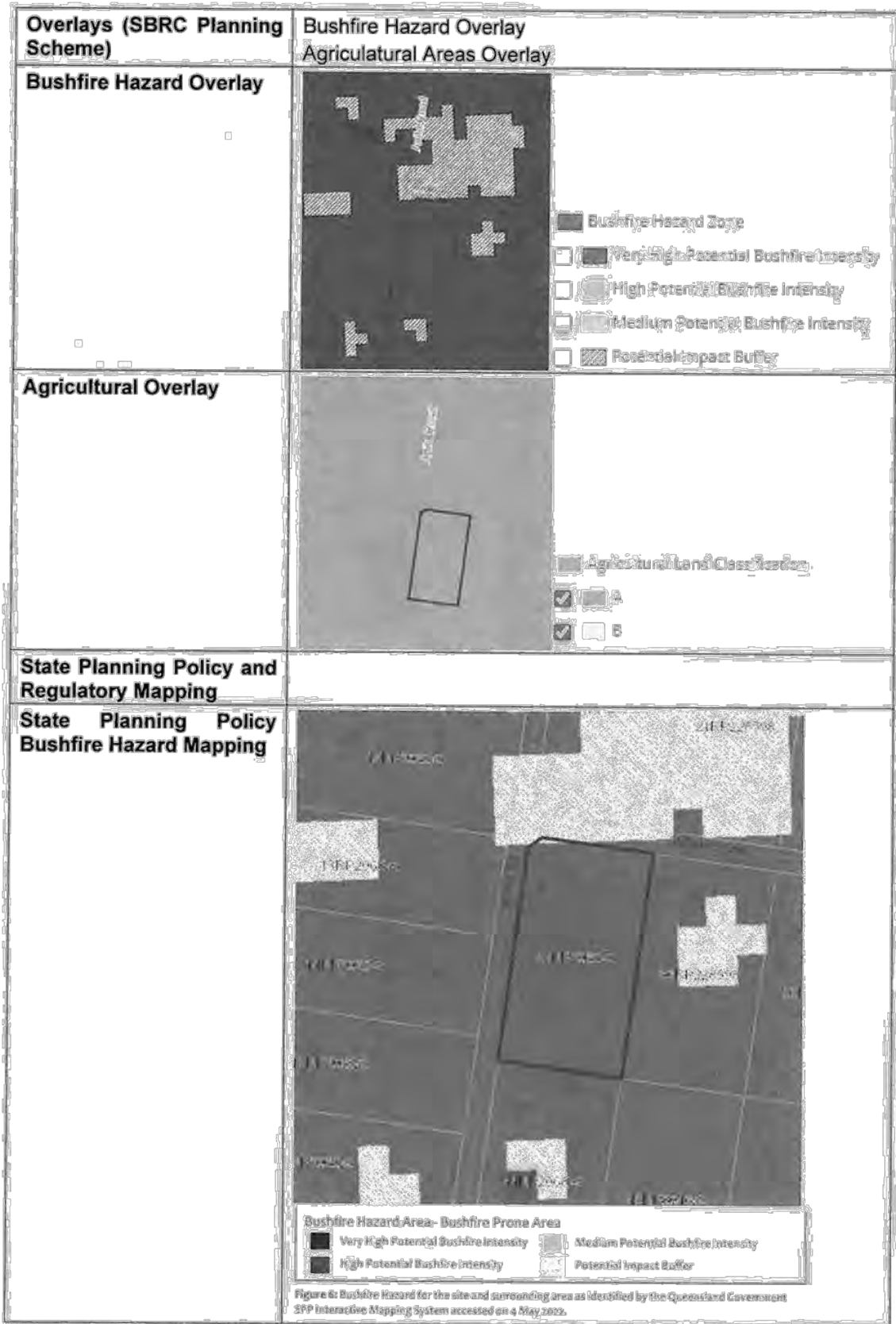
Date: _____

SITE DETAILS:

SITE AND LOCALITY DESCRIPTION													
Land Area:	2ha												
Existing Use of Land:	Existing dwelling house and associated outbuildings.												
Road Frontage:	The subject site fronts Anita Road & Gilliland crescent.												
Road/s	Road Hierarchy												
Anita Road	Street (bitumen sealed)												
Gilliland crescent	Place bitumen sealed												
Easements	N/A												
Significant Site Features:	The site is located north-east of the Blackbutt township within an established rural residential settlement. The site is relatively vegetated, however not identified as regulated vegetation.												
Topography:	<p>The subject site is relatively flat.</p> 												
Surrounding Land Uses:	<table border="1"> <thead> <tr> <th>Land Use</th> <th>Zone/Precinct</th> </tr> </thead> <tbody> <tr> <td>North</td> <td>Rural Residential lots & dwellings</td> </tr> <tr> <td>South</td> <td>Rural Residential lots & dwellings</td> </tr> <tr> <td>East</td> <td>Rural Residential dwellings</td> </tr> <tr> <td>West</td> <td>Rural Residential dwellings</td> </tr> <tr> <td>Services:</td> <td>Electricity, Telecommunications</td> </tr> </tbody> </table>	Land Use	Zone/Precinct	North	Rural Residential lots & dwellings	South	Rural Residential lots & dwellings	East	Rural Residential dwellings	West	Rural Residential dwellings	Services:	Electricity, Telecommunications
Land Use	Zone/Precinct												
North	Rural Residential lots & dwellings												
South	Rural Residential lots & dwellings												
East	Rural Residential dwellings												
West	Rural Residential dwellings												
Services:	Electricity, Telecommunications												

Delegated Authority

Date:



Delegated Authority _____ Date _____

Background / Site History

APPLICATION NO.	DECISION AND DATE
	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:

PLANNING REGULATION 2017 DETAILS					
Assessment Benchmarks:	State Planning Policy 2017 Part E – Risks and Hazards Assessment (Bushfire)				
	The Queensland Government's State Planning Policy (SPP) for Natural Hazards (Bushfire) contains development assessment requirements that developments in bushfire prone areas are required to address.				
	Extract from submitted Bushfire Management Report prepared by Range Environmental Consultants dated 26 September 2022:				
	Table 9 Summary of compliance to the Queensland SPP and SBRC Bushfire hazard overlay code				
		Compliance		Reference	
Development Action	Queensland State Planning Policy	SBRC Bushfire Hazard Overlay Code	QLD SPP Table 10	QLD SPP Table 11	SBRC Table 12
Risk mitigation	✓	✓	PS1	PS1	PS15.2-3
Water access	✓	✓	PS1 (ii), PS2 (i)		PS15.3 (d)
Access and Egress	✓	✓	PS1 (iv), PS2 (ii)	PS9	PS15.3 (b,c)
Vegetation management	✓	✓	PS1 (i), PS2 (iii), PS3 (i), (ii), (iv)		PS17.1
Asset Protection Zones	✓	✓	PS1 (i), PS3 (ii)	PS1.2	PS17.1(a)
Location of buildings	✓	✓	PS1 (i)	PS2	PS15.1, PS17.1 (a)
Building design & construction	✓	✓	PS1 (ii)		PS15.2, PS15.3(a)
Hazardous materials	✓	✓	PS4		N/A
Community infrastructure	N/A	N/A	N/A	N/A	N/A

Delegated Authority	Date:
WBB Regional Plan Designation:	Rural Living Area

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:	Rural Residential
Zone:	Rural Residential
Precinct:	RR1 Precinct
Consistent/Inconsistent Use:	Consistent
Assessment Benchmarks:	Rural Residential Zone code Reconfiguring a lot Code Service and Works Code

The Strategic Framework does not form part of the Assessment Benchmarks for this Code assessable application. The *Planning Act 2016* requires that code assessable applications must only be assessed against the relevant 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 MANAGERS COMMENTS
RURAL RESIDENTIAL ZONE CODE	
SECTION 1 - General	
PO1 Buildings and structures must complement the semi-rural character of nearby development and protects residential amenity.	
AO1.1 Site cover does not exceed 10%. and AO1.2 Buildings and structures are not higher than 8.5m above ground level. and AO1.3 Buildings have a minimum set back of: (a) 10m to the road frontage; (b) 6m to a side or rear boundary. and AO1.4 The maximum length of any façade without articulation or change of materials is 15m. and AO1.5 On-site storage areas visible from outside the site are screened by a 1.8m high fence along intervening boundaries.	✓ No new buildings or structures are proposed as a part of this application. Proposed lot 1 is sufficient size to accommodate the existing dwelling and outbuildings. Proposed lot 2, 3 and 4 are of sufficient size for future dwellings to comply with the AO1.1 to AO1.6. The proposed layout maintains the rural residential character and is not expected to impact on the surrounding amenity.

Delegated Authority

Date:

<p>and AO1.6 Outdoor lighting is designed, installed and maintained in accordance with AS4282 – Control of the Obtrusive Effects of Outdoor Lighting.</p>	
<p>PO2 Development minimises the potential for reverse amenity impacts for adjoining existing non-residential activities.</p>	
<p>AO2.1 A well-maintained vegetative buffer is provided on the residential land between the residential development and adjacent existing non-residential use.</p>	<p>N/A – The subject site is surrounded by residential properties and therefore does not necessitate the need for a vegetation buffer.</p>
<p>PO3 Dwellings are to be adequately serviced;</p>	
<p>AO3.1 Where in a reticulated water supply area, development is to be connected to the supply network. or AO3.2 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 AO3.3 The provision of on-site sewage treatment conforms to the requirements of the Queensland Plumbing and Wastewater Code. and AO3.4 Each dwelling is provided with a service line connection to the electricity supply and telecommunications networks. and AO3.5 Stormwater discharge must be to a lawful point of discharge or to downstream properties but only with the consent of the affected landowners. and AO3.6 Development has direct access to a sealed road.</p>	<p>N/A</p> <ul style="list-style-type: none"> ✓ Conditioned to comply; ✓ Proposed lots are sufficient size to have on-site sewerage treatment for a future dwelling. ✓ The existing dwelling is connected to electricity. Proposed lot 2, 3 and 4 will be conditioned to comply. ✓ Conditioned to comply; ✓ The proposed lots gain access from Gilliland Crescent and Anita Road, both are bitumen sealed.
<p>PO4 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>	

Delegated Authority

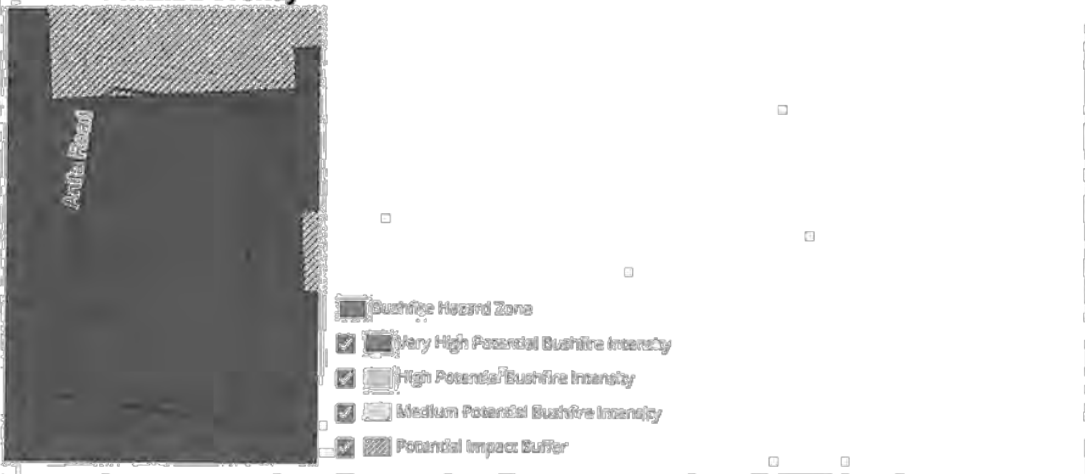
Date:

AO4.1 Development does not occur:
 (a) In areas that pose a health risk from previous activities; and
 (b) On sites listed on the Contaminated Land Register or Environmental Management Register.
 or
AO4.2 Areas that pose a health risk from previous activities and contaminated soils which are subject to development are remediated prior to plan sealing, operational works permit, or issuing of building works permit.

✓ The subject site is not identified on the CLR or EMR.

Section 5 – For development affected by one or more overlays

Bushfire hazard overlay



PO15 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.

AO15.1 Development does not occur in areas mapped as Very High or High Potential Bushfire Intensity Areas on the SPP Interactive Mapping (Plan Making).

or
AO15.2 A written assessment by a suitably experienced or qualified person confirms that the site is of Low Potential Bushfire Hazard.

or
AO15.3 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

The site is identified in the very high bushfire intensity area. However, the applicant has submitted a Bushfire Management Report. The site assessment identified that the bushfire hazard is less than the levels mapped by the Queensland Government due to historical and current vegetation management practices on the site and in the surrounding landscape. The site was assessed as being subject to a Medium Potential Bushfire intensity.

The Bushfire Management Plan has made recommendation in relation to mitigation measures including building sites, construction of buildings, access and egress, vegetation management, water supply and maintenance of bushfire mitigation measures. The report has identified a building envelope and Asset Protection Zone which will be conditioned as part of this approval.

Delegated Authority	Date
<p>(iii) bushfire risk is effectively minimised having regard to aspect, elevation, slope and vegetation.</p> <p>(b) Including firebreaks that provide adequate:</p> <p>(i) setbacks between buildings/ structures and hazardous vegetation; and</p> <p>(ii) access for fire fighting or other emergency vehicles; and</p> <p>(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;</p> <p>And</p> <p>(d) Where a reticulated water supply is not available and development involves buildings with a gross floor area greater than 50m², one tank within 100m of each residential building that has:</p> <p>(i) fire brigade tank fittings; and</p> <p>(ii) 25,000 litres dedicated for fire fighting purposes.</p>	
<p>PO16 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>No outcome specified.</p>	<p>N/A</p>
<p>PO17 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>AO17.1 New dwellings on land mapped as Very High to Medium (Potential Intensity) 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 5,000m² 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>✓ The Bushfire Management Plan submitted to Council has identified a building envelope in accordance with AO17.1 and an asset protection zone surrounding the envelope.</p>
<p>RECONFIGURING A LOT CODE</p>	
<p>SECTION 3 – All other reconfiguration</p>	
<p>PO7 Allotments are of sufficient size and dimensions to meet the requirements of the users and provide for servicing of the intended use.</p>	

Delegated Authority	Date:
<p>AO7.1 Development provides that allotment area, dimension and shape are in accordance with the standards in Table 8.4.2. and AO7.2 The minimum allotment size for any rear allotment shall be calculated exclusive of the area of the access corridor of the allotment. and AO7.3 Irregularly shaped allotments are designed to allow a building area of 15m by 10m to be setback 6m from the site frontage.</p>	<ul style="list-style-type: none"> ✓ The subject site is within the rural residential zone RR1 precinct whereby the minimum lot size is 4,000m². All proposed lots exceed the minimum lot size. ✓ No rear lots have been created. ✓ The proposed lots are a regular shape.
PO8 Lots have lawful, safe and practical access.	
<p>AO8.1 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 AO8.2 Newly created lots do not have direct access to sub-arterial or higher order roads. and AO8.3 Except in the Rural Zone, new lots, are provided with access to a sealed road.</p>	<ul style="list-style-type: none"> ✓ Proposed lot 1 will require an upgraded access onto Gilliland Crescent. Proposed lots 2, 3 and 4 will have direct access onto Anita Road and require new accesses to be constructed. ✓ Anita Road is identified as a Street in the road hierarchy. ✓ Anita Road is bitumen sealed.
PO9 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>AO9.1 Only one rear lot is provided behind each full street frontage regular lot. and AO9.2 No more than two rear lot access strips directly adjoin each other. and AO9.3 No more than two rear lots gain access from the head of a cul-de-sac.</p>	<ul style="list-style-type: none"> ✓ No rear lots have been created. N/A
PO10 The design and construction of new roads:	
<p>(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>AO10.1 Intersection shall be spaced at no less than 45m from any other intersection. and AO10.2 Any intersections with existing roads shall be treated with a T-intersection or a roundabout. and AO10.3 The road layout indicates connections to adjoining development sites. and</p>	<p>N/A – No new roads are proposed.</p>

Delegated Authority	Date
<p>AO10.4 Other than in the Rural or Rural Residential Zones, new streets are provided with layback kerb and channel.</p> <p>or</p> <p>AO10.5 In the Rural Residential Zone, new streets are provided with concrete flush kerbs and swale drains.</p>	
<p>PO11 The provision of services is resistant to inclement weather and does not degrade the character of the area.</p>	
<p>AO11.1 Where the reconfiguration involves the opening of a new road, all electricity and telecommunications services are located underground.</p>	<p>N/A – No new roads are proposed.</p>
<p>PO12 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.</p>	
<p>No outcome specified.</p>	<p>N/A</p>
<p>PO13 Public open space is provided in response to community need.</p>	
<p>AO13.1 Public open space is provided in accordance with the Priority Infrastructure Plan.</p>	<p>N/A</p>
<p>Section 4 – All reconfiguring a lot subject to an overlay</p>	
<p>Bushfire hazard overlay</p>	
<p>Discussed above - Please refer Section 5 of Rural Residential Zone Code</p>	
<p>SERVICES AND WORKS CODE</p>	
<p>SECTION 1 - General</p>	
<p>PO1 The development is planned and designed considering the land use constraints of the site for achieving stormwater design objectives.</p>	
<p>AO1.1 A stormwater quality management plan provides for achievable stormwater quality treatment measures that meet the design objectives identified in Table 9.4.4.</p>	<p>✓ This development application does not necessitate the need for a stormwater quality management plan.</p>
<p>PO2 Development does not discharge wastewater to a waterway or off-site unless demonstrated to be best practice environmental management for that site.</p>	
<p>AO2.1 A wastewater management plan prepared by a suitably qualified person and addresses :</p> <ul style="list-style-type: none"> (a) wastewater type; (b) climatic conditions; (c) water quality objectives; (d) best-practice environmental management; <p>and</p> <p>AO2.2 Wastewater is managed in accordance with a waste management hierarchy that:</p> <ul style="list-style-type: none"> (a) avoids wastewater discharge to waterways; or (b) minimises wastewater discharge to waterways by re-use, recycling, recovery and 	<p>✓ This development application does not necessitate the need for a wastewater management plan.</p>

Delegated Authority	Date:
treatment for disposal to sewer, surface water and groundwater.	
PO3 Construction activities avoid or minimise adverse impacts on stormwater quality.	
AO3.1 An erosion and sediment control plan addresses the design objectives for the construction phase in Table 9.4.4.	✓ This development application does not necessitate the need for an erosion and sediment control plan.
PO4 Operational activities avoid or minimise changes to waterway hydrology from adverse impacts of altered stormwater quality and flow.	
AO4.1 Development incorporates stormwater flow control measures to achieve the design objectives for the postconstruction phase in Table 9.4.4.	✓ This development application does not necessitate the need for stormwater flow control measures. No changes to stormwater flow is proposed.
SECTION 2 - Infrastructure	
PO5 Development is provided with infrastructure which: (a) conforms with industry standards for quality; <input type="checkbox"/> (b) is reliable and service failures are minimised; and <input type="checkbox"/> (c) is functional and readily augmented. <input type="checkbox"/>	
AO5.1 Except in the Rural zone, all development occurs on a site with frontage to a sealed road. and AO5.2 Infrastructure is designed and constructed in accordance with the standards contained in PSP1 – Design and Construction Standards.	✓ The subject site fronts Anita Road and Gilliland Crescent, which are both bitumen sealed. ✓ Proposed lots have been conditioned to comply with AO5.2.
SECTION 3 – Vehicle parking	
PO6 Vehicle parking and access is provided to meet the needs of occupants, employees, visitors and other users. <input type="checkbox"/>	
AO6.1 Vehicle parking spaces are provided on-site in accordance with Table 9.4.5. and AO6.2 A service bay is provided on-site for the service vehicle nominated in Table 9.4.5. and AO6.3 Driveway crossings are provided to the standard contained in PSP1 – Design and Construction Standards. and AO6.4 Vehicle parking and manoeuvring areas are provided in accordance with the standards contained in PSP1 – Design and Construction Standards.	N/A - This development application does not necessitate the need for vehicle parking provisions.
SECTION 4 - Landscaping	
PO7 Landscaping is appropriate to the setting and enhances local character and amenity. <input type="checkbox"/>	

Delegated Authority

Date:

<p>AO7.1 Landscaping is provided in accordance with the relevant zone code provisions. and AO7.2 Where shade tree planting is required in vehicle parking areas each planting bed has a minimum area of 2m² and is unsealed and permeable. and AO7.3 Plantings along frontages or boundaries are in the form of defined gardens with three tier planting comprised of groundcovers, shrubs (understorey), and trees (canopy) and provided with a drip irrigation system, mulching and border barriers.</p>	<p>✓ This development application does not necessitate the need for landscaping.</p>
<p>PO8 Plant species avoid adverse impacts on the natural and built environment, infrastructure and the safety of road networks.</p>	
<p>AO8.1 Landscaping utilises plant species that are appropriate for the location and intended purpose of the landscaping. and AO8.2 Species selection avoids non-invasive plants.</p>	<p>N/A</p>
<p>SECTION 5 – Filling and Excavation</p>	
<p>PO9 Development results in ground levels that retain: (a) access to natural light; (b) aesthetic amenity; (c) privacy; and (d) safety.</p>	
<p>AO9.1 The depth of: (a) fill is less than 2m above ground level; or (b) excavation is less than 2m below ground level. and AO9.2 The toe of the fill, or top of the excavation is not less than 0.5m inside the site property boundary. and AO9.3 Works do not occur on slopes over 15% in grade. and AO9.4 Retaining walls over 1m in height are terraced 1.5m for every 1m in height and landscaped. and AO9.5 Batter slopes are not steeper than 25% and are grassed and terraced 1.5m for every 1m in height. and AO9.6 Filling or excavation for the purpose or retention of water:</p>	<p>N/A – No cut or fill is proposed as a part of this application.</p>

Delegated Authority	Date:
<p>(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>PO10 Filling or excavation does not cause damage to public utilities.</p>	
<p>AO10.1 Filling or excavation does not occur within 2m horizontally of any part of an underground water supply, sewerage, stormwater, electricity or telecommunications system.</p>	<p>N/A – No cut or fill is proposed as a part of this application.</p>
<p>PO11 Filling and excavation avoids water ponding on the premises or nearby premises that will adversely impact on the health of the community.</p>	
<p>AO11.1 Following filling or excavation: (a) the premises: (i) are self-draining; and, (ii) has a minimum slope of 0.25%; and, (b) surface water flow is: (i) directed away from neighbouring properties; or (ii) discharged into a stormwater drainage system designed and constructed in accordance with AS3500 section 3.2.</p>	<p>N/A – No cut or fill is proposed as a part of this 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

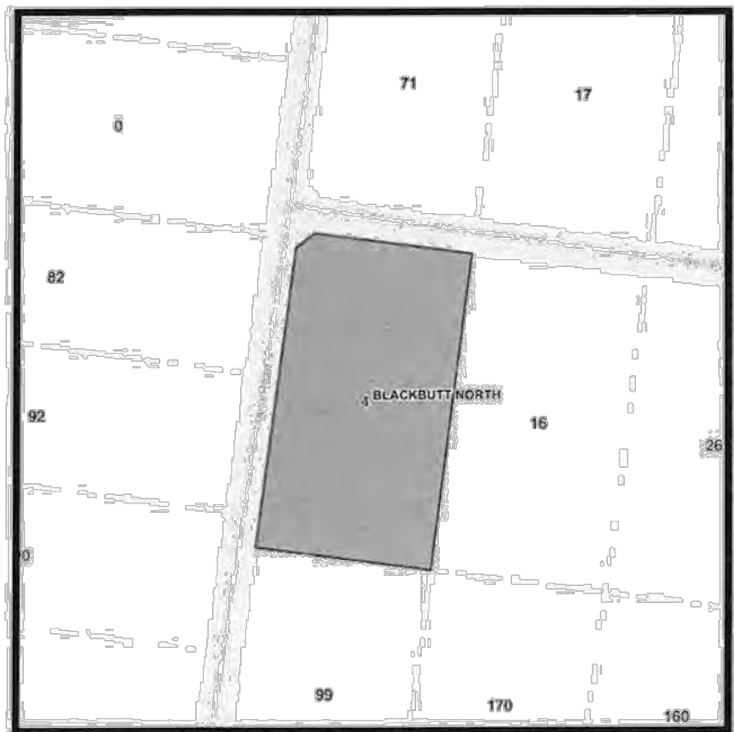


Figure 2 - Locality Plan (Source: IntraMaps)

Item 0.0

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Delegated Authority _____

Date _____

CONSULTATION:

Referral Agencies

Not applicable.

Other Referrals

INTERNAL REFERRAL SPECIALIST	REFERRAL / RESPONSE
Development Engineer	Council's Development Engineer provided comments in relation to Infrastructure Charges and engineering conditions.
Infrastructure Charges Unit	<p>Council adopted the LGIP on 24 June 2019 which commenced on 1 July 2019.</p> <p>The types of development that may trigger the issuing of an infrastructure charges notice are:</p> <ul style="list-style-type: none"> a) Reconfiguring a lot; b) Making a Material Change of Use; c) Carrying out Building Work. <p>The property is within the Transport Network, and Parks and land for Community Facilities Network mapping and is therefore subject to relevant adopted charges.</p> <p>Refer to the Infrastructure Charges Notice attached as Attachment B.</p>

CONCLUSION:

The proposed development has been assessed with regard to the applicable assessment benchmarks of the Rural Residential zone Code, Reconfiguring a lot Code, and the Services and works Code. The proposed development will result in additional rural residential allotments that generally complies with the required benchmarks or can be conditioned to comply.

- The bushfire assessment of the site identified that in general hazards are in the medium category with Bushfire Attack Levels (BAL) ranging from 12.5 to 29 for potential buildings on the site depending on the level of vegetation management undertaken on individual lots. The bushfire risk to built assets can be effectively managed through the establishment of building location envelopes on proposed lots 2, 3 and 4, vegetation management, the application of AS3959-2018 and the BCA (building measures at the time of construction) and ongoing asset protection zone maintenance.
- The bushfire risk to build assets can be effectively managed by provision of ready ingress and egress to the site from Anita Road, ongoing management of the site to maintain it in a low fuel load state (les than 5 tonnes per hectare) and the provision of a dedicated fire-fighting water supply at the time of constructing a dwelling on the site. Building measures can be adequately addressed at the design and construction phase through the application of the National Construction Code and the Australian Standard Construction of buildings in bushfire-prone areas and ongoing vegetation management.
- The development proposed can be maintained in accordance with the requirements of the submitted Bushfire Management Report prepared by Range Environmental Consultants and is recommended to be an approved document within the conditions of this approval.

Delegated Authority

Date:

- The site can be accessed and serviced in accordance with Council standards.
- The development is considered to achieve suitable compliance with the relevant performance outcomes applied proposal presents no conflicts with the assessment benchmarks within the Zone Code or the Reconfiguring a lot code.

RECOMMENDATION:

It is recommended that the development application for Reconfiguring a lot – Subdivision 1 into 4 lots at 4 Gilliland Crescent, Blackbutt North (and described as lot 57 on RP206873) be approved subject to reasonable and relevant condition pursuant to Section 60 of the *Planning Act 2016*.

It is recommended a property notice be included on Council’s records nominating the requirement for future dwelling house to be sited in accordance with the approved location envelope of the approved bushfire management plan or similar that the site is subject to an approved bushfire management plan.

Document Title	Prepared by	Ref no.	Rev	Date
Bushfire Management Report	Range Environmental Consultants	J001063	2	23/09/22

Delegated Authority

Date:

ATTACHMENTS

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

Delegated Authority

Date:

RECONFIGURATION OF A LOT – BOUNDARY REALIGNMENT (3 LOTS INTO 3) AT 306 GESSLERS ROAD, LOT 110 ON CROWNTHOPE ROAD & LOT 249 ON GESSLERS ROAD, OAKDALE (AND DESCRIBED AS LOT 1 ON RP130838, LOT 110 ON FY278 & LOT 249FY920) - APPLICANT: IRENE PHILLIPS C/- ONF SURVEYORS

File Number: RAL22/0024
Author: Senior Planning Officer
Authoriser: Chief Executive Officer

SIGNATURE	DATE
<i>[Handwritten Signature]</i>	7/11/22
GM	8/11/22
CEO	2-11-2022

PRECISP

Reconfiguration of a Lot – Boundary Realignment (3 Lots into 3) at 306 Gesslers Road, Lot 110 on Crownthorpe Road, Lot 249 on Gesslers Road, Oakdale (and described as Lot 1 on RP130838, Lot 110 on FY278 & Lot 249 on FY920) – Applicant: Irene Phillips C/- ONF Surveyors

SUMMARY

A Development Permit for Reconfiguring a Lot (3 into 3 lots) Boundary Realignment of land formally described as Lot 1 RP139838, Lot 110 FY278 and Lot 249 FY920 at 306 Gesslers Road and Crownthorpe Road, Oakdale.

Officer's Recommendation

The application be approved despite Council not supporting the creation of lot 332, subject to the Council conditions and adopted infrastructure charges notice attached to this decision notice.

GENERAL

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

Title:	Prepared by:	Date:	Reference:	Revision:
Proposed Boundary Realignment	ONF Surveyors	20/09/2022	10499P/1	B

DEVELOPMENT PERIOD – RAL

GEN2. The currency period for this development approval for reconfiguring a lot is 12 months after the development approval starts to have effect. The development approval will lapse unless the survey plan for all works and stages required to be given to Council for approval is provided within this period.

VALUATION FEES

GEN3. 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 \$100.00 (2 x \$50.00); 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.

OUTSTANDING FEES

GEN4. 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*.

Delegated Authority

Date

LANDSCAPING

RAL1. Prior to Council's endorsement of the survey plan, establish an 8m wide vegetation buffer consisting of two rows of trees extending along the side and rear boundaries of Proposed Lot 332.

Establishment and species selection is to be in accordance with the 'Branching Out – Your handy guide to tree planting in the South Burnett' document.

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 Standards, relevant Australian Standards, and relevant design manuals.

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 adversely alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.

ENG7. Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

WATER SUPPLY

ENG8. Future dwellings shall provide on-site water storage with a minimum capacity of 45kl.

ON-SITE WASTEWATER DISPOSAL

ENG9. Future Dwellings must be connected to an on-site wastewater disposal system, in accordance with AS 1547 and the Queensland Plumbing and Wastewater Code.

Timing: Prior to the issue of a Building Approval for a future Dwelling on the proposed lots.

Delegated Authority**Date:****VEHICLE ACCESS**

ENG10. The access to proposed lot 332 is to be constructed in accordance with Council Standard Drawing 00049.

ENG11. Access to Lot 332 shall be located in accordance with the Proposed Access Report prepared by Englnfra Consulting Engineers and Project Managers, Rev 1 dated 8 August 2022, including removal of the two ironbark trees as identified in the report.

TELECOMMUNICATION AND ELECTRICITY

ENG12. Provide telecommunications to all lots within the development.

ENG13. Prior to Council sealing the Survey Plan the applicant is to provide each lot with an electricity supply. The standards of service nominated by the electricity supply authority with reticulated electricity to be made available at the property boundary.

SERVICES - EXISTING CONNECTIONS

ENG14. Ensure that all services provided to the existing house on proposed Lot 333 are wholly located within the lot(s) it serves.

EROSION AND SEDIMENT CONTROL - GENERAL

ENG15. Ensure that all reasonable actions are taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.

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 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

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

TELECOMMUNICATIONS CONNECTIONS

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

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Delegated Authority

Date:

ELECTRICITY RETICULATION SERVICES

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.

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.

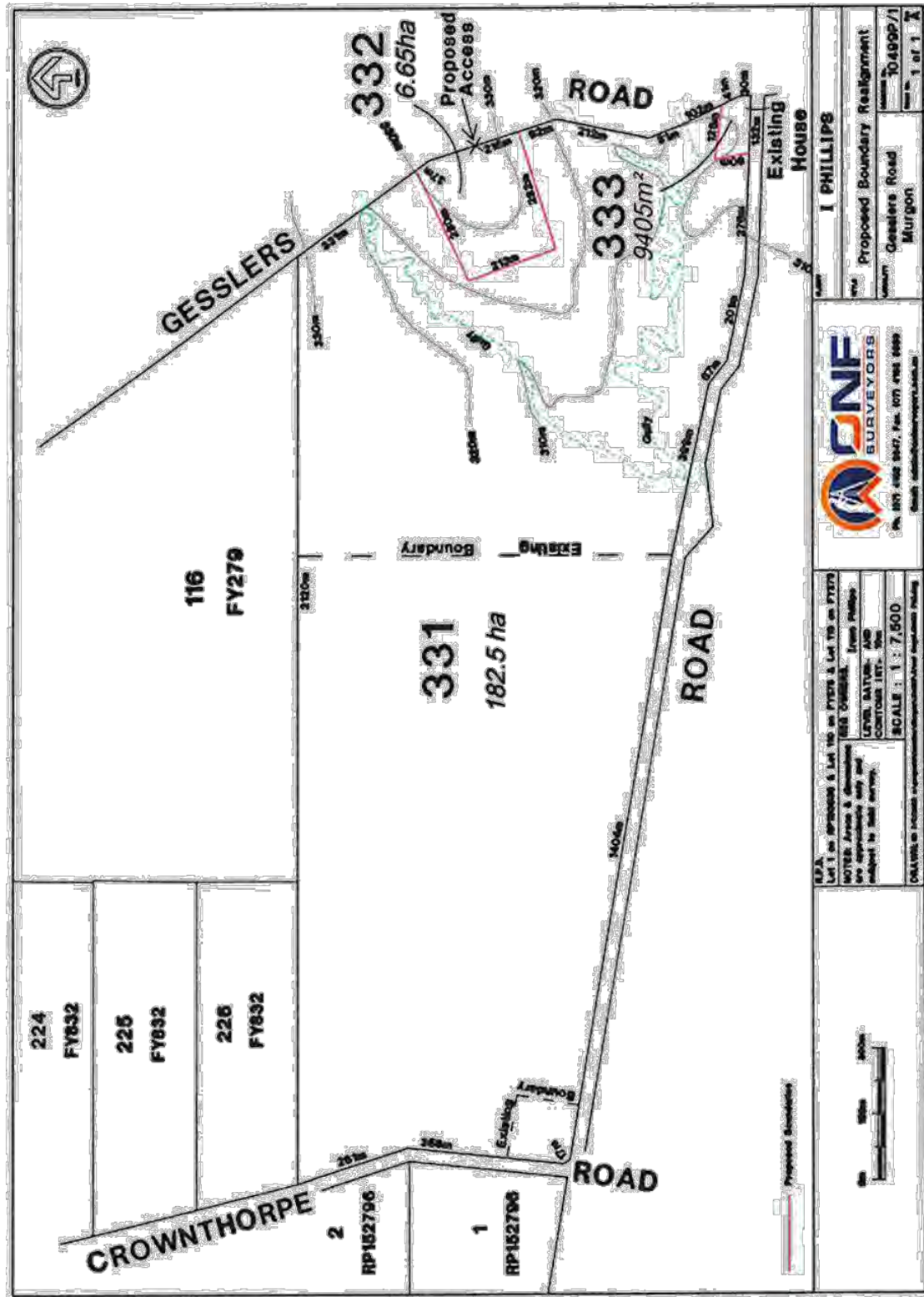
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Delegated Authority

Date:

PROPOSAL PLAN



<p>I PHILLIPS SURVEYORS</p> <p>Ph: 087 408 9447, Fax: 087 498 8489 Email: info@i-philips.co.uk</p>	
<p>NOA Lot 1 on proposed 6 Lot 10 on P129 & Lot 10 on P129 10788 Area & description 10788 Area & description LEVEL BATHY AND CONTAINS LOT 10 SCALE: 1:7,500</p>	
<p>Proposed Boundary Reassignment 10489P/1 Gesslers Road Murgon</p>	

Delegated Authority

Date:

REPORT

The applicant seeks approval for a Reconfiguring a Lot – Boundary realignment (3 lots into 3 lots).

APPLICATION SUMMARY	
Applicant:	Irene Phillips C/- ONF Surveyors
Proposal:	Reconfiguring a Lot Development Permit Boundary Realignment
Properly Made Date:	7 June 2022
Street Address:	306 Gesslers Road and Crownthorpe Road, Oakdale
RP Description:	Lot 1 RP139838, Lot 110 FY278 and Lot 249 FY920 NOTE: Lot 249 on FY920 is a historical reserve Lot created by the State (Crown) for education purposes. The reserve was made fee simple (freeholded) with no interests reserved by the State.
Assessment Type:	Code assessment
Number of Submissions:	N/A
State Referral Agencies:	N/A
Referred Internal Specialists:	Development Engineer

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

	DEVELOPMENT PARAMETERS
Number of Proposed Lots	Three (3)
Size of Proposed Lots	Lot 331 = 182.5ha Lot 332 = 6.65ha Lot 333 = 9,405m ²
Easements	N/A
Covenants	N/A

SITE DETAILS:

SITE AND LOCALITY DESCRIPTION	
Land Area:	Lot 1 = 88.4ha Lot 110 = 99.65ha Lot 249 = 2ha
Existing Use of Land:	Agriculture – Grazing with one dwelling house at the Gesslers Rd frontage not contained within a dwelling lot. Vacant lease parcel – Qld State Govt Dept Education/ Crown Land
Road Frontage:	Crownthorpe road and Gesslers Road.
Road/s	Road Hierarchy
Crownthorpe Road	Collector Minor
Gesslers Road	Access Secondary
Easements	N/A
Significant Site Features:	Areas of the subject lots, apart from Lot 249 FY920, contain gullies with mapped watercourses and contain native vegetation. These watercourses are further mapped by Councils Flood Overlay.

Delegated Authority _____

Date: _____

	<p>These watercourses drain from north to south and flow into Oaky Creek to the south of the subject site.</p> <p>Bushfire hazard is mapped along the watercourses through the site as is vegetation contained within the surrounding road reserves.</p> <p>The subject land holdings are mapped as Class A agricultural land.</p>
Topography:	The land is undulating with steep topography surrounding the waterway gully features.
Surrounding Land Uses:	Land Use
North	Rural/ farmland, Piggery
South	Rural/ farmland
East	Rural/ farmland
West	Rural/ farmland
Services:	<ul style="list-style-type: none"> • Electricity • Telecommunications

Background / Site History

APPLICATION NO.	DECISION AND DATE
	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:

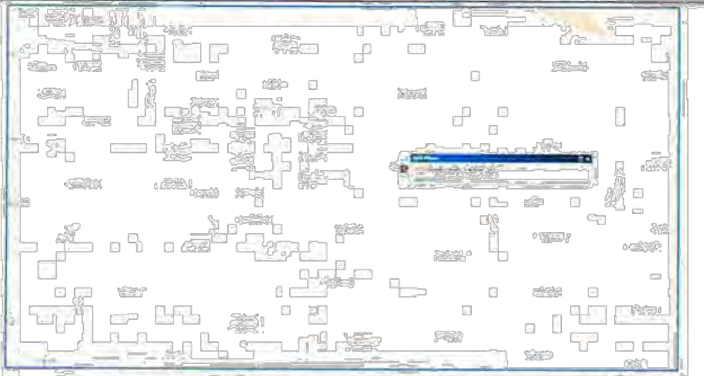
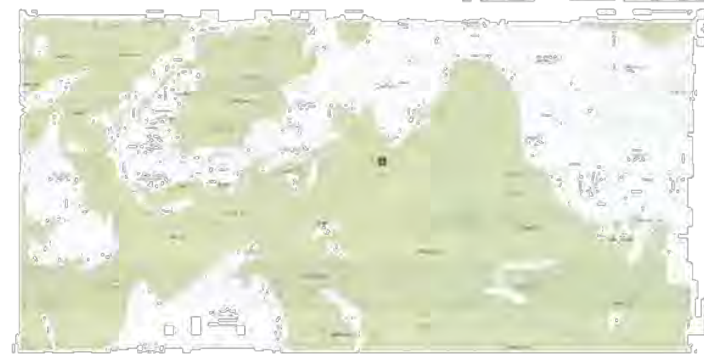
- The *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any Temporary Local Planning Instrument
- any Variation Approval

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:

PLANNING REGULATION 2017 DETAILS	
Assessment Benchmarks:	State Planning Policy 2017 Agriculture
WBB Regional Plan Designation:	Regional Landscape Rural Production Area

Delegated Authority	Date
	 <p data-bbox="651 600 1366 656">Regional Landscape Rural Production Area – Wide Bay Burnett Regional Plan</p>
<p data-bbox="256 663 592 689"><i>Regional Planning Interests Act 2014</i></p> <p data-bbox="252 752 632 835"><input checked="" type="checkbox"/> Strategic Cropping Area (SCA)</p>	

The RPI Act

The Regional Planning Interests Act 2014 (RPI Act) identifies and protects areas of regional interest throughout Queensland.

It aims to strike an appropriate balance between protecting priority land uses and delivering a diverse and prosperous economic future for our regions. It also provides the framework which is applied to Queensland’s regional plans.

Its role is to:

- manage the impact of resource and regulated activities on areas of regional interest
- support these activities with other activities, such as highly productive agricultural activities
- assist in resolving land use conflict between activities which contribute to the state's economy.

There are four areas of regional interest. Each area has been identified because of its contribution, or likely contribution, to Queensland’s economic, social and environmental prosperity.

- Priority agricultural areas (PAAs)
- Priority living areas (PLAs)
- Strategic environmental areas (SEAs)
- Strategic cropping area (SCA)

A resource activity cannot be carried out in an area of regional interest unless a person holds or is acting under a Regional Interests Development Approval (RIDA) for the activity.

Delegated Authority

Date:

State Interest Assessment Comments –

The applicant has not addressed any State Planning Policy or State Planning matter that is relevant to this Impact Assessable development application.

The issue identified under State Interests relate to the creation of a 6.6Ha allotment within the Rural Zone in conflict with both Council and State planning frameworks for development in rural production localities and where not associated with rural production uses.

The applicant has failed to provide any strategic planning justification or other relevant matters to justify the creation of a 6.6Ha allotment, for future rural purposes, where NOT related to the surrounding Rural production area.

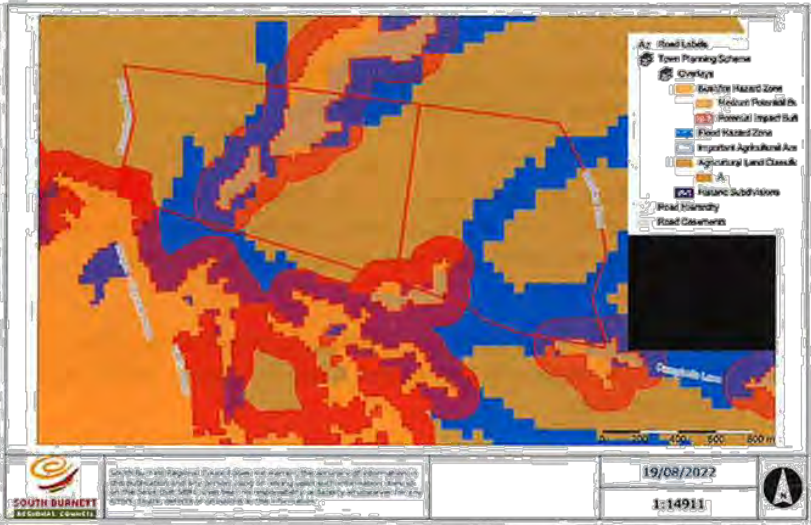
The applicant has not provided any basis for the lot size, its location, or other features that are based on the facts and circumstances of the subject land. The proposed lot boundaries do not follow land affected by environmental constraints and topography that would otherwise provide meritorious grounds for the allotment configuration.

The applicant was requested to amend the allotment configuration to extend to boundaries of a waterway corridor constraint so that the land is not irregularly 'dissected', however the applicant did not agree to amend the proposal plan. The applicant did not provide information to support the parameters of the land parcel proposed to be created as it follows no understood topographical features or areas of actual land use constraints.

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
Zone:	Rural Zone
Overlays :	Bushfire Hazard Flood Hazard Important Agricultural Area (Class A)

Delegated Authority	Date
	
<p>Assessment Benchmarks:</p>	<ul style="list-style-type: none"> Rural Zone Code including applicable overlays Reconfiguring a Lot Code Services & Works Code

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

Delegated Authority

Date:

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 in the context of how the proposal meets the relevant performance outcome where it does not meet a relevant acceptable outcome.

The following table outlines the issues with proposed Lot 332 as proposed lots 331 and 333 meet the Rural Zone Code requirements and comply with the RaL code unless otherwise specifically assessed in the benchmarks described below.

It is noted that the applicant has failed to provide a response to either of the applicable assessment Code's Purposes.

PERFORMANCE OUTCOME	DISCUSSION
Rural Zone Code 6.2.13.2 Purpose	No response by the applicant is provided.
PO2 Development does not jeopardise the rural production capacity of the Zone	<p>The applicant did not provide a suitable response to this assessment criteria as they have only mentioned the creation of proposed lot 331 and its ability to meet the minimum 100Ha lot size in the Rural Zone.</p> <p>The applicant has stated that the land is "not high value agricultural land", however it is mapped at a State planning policy level as Class A agricultural land. No discussion is provided by the applicant about either lot 332 or 333.</p> <p>From Council's perspective the issue of lot 332 is unaddressed and represents non-compliance with the planning scheme applicable assessment benchmarks that cannot be conditioned to comply. As such, the application may be refused on the basis that it creates an unacceptable land area of 6Ha in the rural zone that is unsupported by any rationale or land use planning justification.</p> <p>The applicant has not stated that the 6Ha lot can provide an alternate productive activity that supports any regionally significant activity nor provided agricultural expert reporting to demonstrate the lot size is suitable for other rural production pursuits, or is not suitable for rural production.</p>
PO3 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	Proposed lot 332 creates an area of rural land for lot 331 use that is fragmented by a natural watercourse and valued vegetation. The proposed subdivision layout has not had regard to the environmental characteristics of the land in this regard.

Delegated Authority		Date:
PERFORMANCE OUTCOME	DISCUSSION	
PO15 The productive capacity and utility of agricultural land for rural activities is maintained	The applicant has only responded to the criteria with the context of proposed lot 331 that is over 100Ha. No reference or response is made regarding proposed lot 332. It is clear the proposed lot 332 is not necessary for efficient production or processing for cropping, is not providing an alternate rural activity that supports regionally significant industry and no information is provided to support that the land is not viable for rural production activities/uses.	
Reconfiguring a Lot Code		
PO1 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>The creation of lot 332 is not consistent with any established character in the locality and its size and location of boundaries fragments rural production land within proposed lot 331 (separated by a waterway corridor). The extent of lot 332 should extend to the edge of the waterway corridor creating a much larger usable rural lo, without compromising compliant lot size for proposed lot 331.</p> <p>The applicant has stated that the lot arrangement and size is a more favourable outcome with mention only of lot 331 without any reasoning provided for lots 332 or 333.</p> <p>Lot 332 is created that is not a larger lot that is a more viable farming unit as expected in Acceptable outcome AO1.4</p>	
PO2 The boundary realignment facilitates the creation or consolidation of a viable farming unit.	<p>The applicant states: <i>"The proposed new boundary will be in a position that removes the current fragmentation of agricultural land and consolidates the agricultural land into a larger more viable farming unit."</i></p> <p>This is not an accurate statement, with internally fragmented land proposed within lot 331 (between lot 332 and waterway corridor), and lot 332 is not the creation or consolidation of boundaries to create a viable farming unit.</p> <p>The creation of lot 333 ensures a residential dwelling is not on agricultural land (acceptable outcome AO2.1 compliance is achieved for this lot).</p>	

The development is assessable against the Services and Works Code and is compliant with or can be conditioned to be compliant with all relevant acceptable outcomes.

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Locality Plan



Figure 1 - Aerial Image (Source: Qld Globe)

Aerial Plan

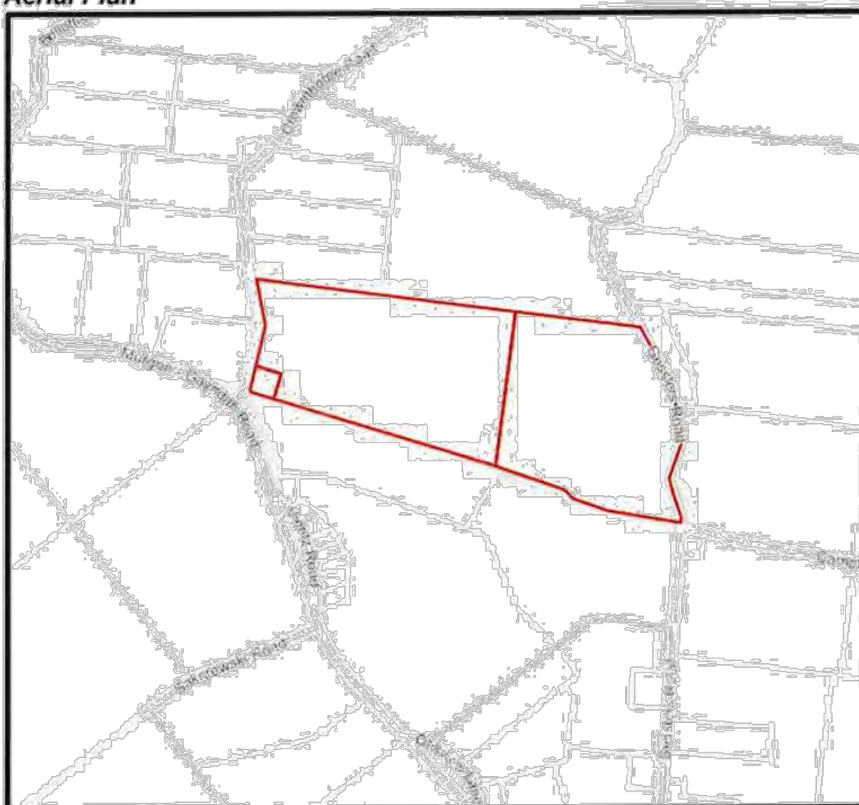


Figure 2 - Locality Plan (Source: IntraMaps)

Delegated Authority

Date:

CONSULTATION:**Referral Agencies**

There are no referrals for this development application under Schedule 10 of the *Planning Regulation 2017*.

Other Referrals

INTERNAL SPECIALIST	REFERRAL	REFERRAL / RESPONSE
Development Engineer		Council's Development Engineer provided standard engineering conditions.
Infrastructure Charges Unit		Refer to Infrastructure Charges Notice attached as Attachment B.

Public Notification

Not required.

CONCLUSION:

The proposed development presents conflicts with the planning scheme Rural zone intent through the creation of a new rural residential/ rural 'lifestyle' lot not anticipated by existing policy. The applicant has used an incomplete and inaccurate argument that the boundary realignment creates less fragmentation of land holdings in the rural zone, than the existing scenario. This is not the case.

On balance the following planning findings are presented from the assessment:

- The development achieves one (1) Rural production lot compliant with the expected 100Ha lot size within the zone for the purposes of rural use (grazing in this case) – this proposed lot 331 complies with the Acceptable outcome AO1.1, 1.4, 2.1 of the Reconfiguring a Lot Code ;
- The development proposal incorporates a 9000m² house lot in the rural zone around the existing residential dwelling in the south-eastern corner of the subject land. This lot is appropriate and anticipated through the rural zone code and Reconfiguring a Lot Code as it separates a residential use from a rural production lot. The house lot created, whilst subject to flood overlay achieves suitable flood free access and an area that avoids or can mitigate flood impacts on a single residential allotment with existing structures. This aspect of the development is supported by compliance with PO2 and PO15 of the Rural Zone Code, AO1.1 and AO2.1(b) of Reconfiguring a Lot Code.
- All three proposed lots through the realignment of boundaries will have appropriate area and accesses located outside of mapped flood and bushfire hazard constraints.

LOT 332 Non-Compliance

- The boundary realignment takes opportunistic advantage of the existing number of lots to create an unanticipated and unplanned rural lifestyle lot of 6.6Ha. The lifestyle lot boundaries do not follow land topography or natural features present on the existing site that would ordinarily present a logical planning argument for the lot size and positioning. Proposed lot 332 is proposed as is with no land use planning principles or rational applied. It will result in an allotment that will not have suitable land area for grazing (as is the use of the existing rural land) and the applicant has presented no justification or argument that the land area can facilitate other or alternative rural land use pursuits to justify the non-compliance in the rural zone.

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This aspect of the proposal is not compliant with the following applicable assessment benchmarks and is not supported via the planning assessment:

Rural Zone Code:

- o Acceptable Outcomes:AO2.1, AO2.2, AO2.3, AO2.4, AO15.1, AO15.2, AO15.3, AO15.4 and AO15.5
- o Performance Outcome: PO2, PO15

Reconfiguring a Lot Code:

- o Acceptable Outcomes: AO1.1, AO1.2, AO1.4, AO2.1(a)
- o Performance Outcome: PO1, PO2

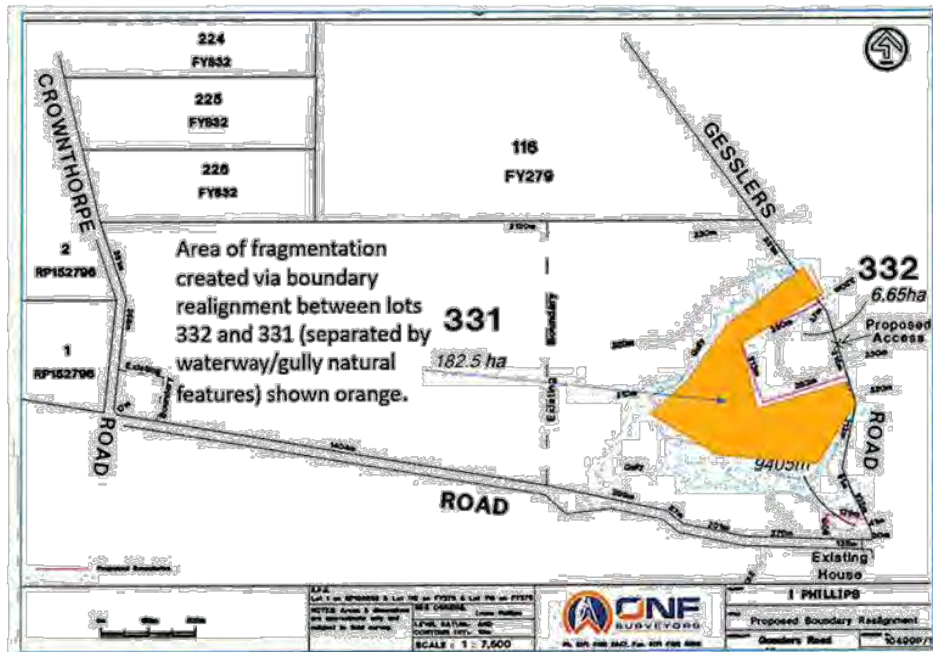


Image: Assessment comments

- Lot 332 land area **could be** increased in the rural zone to approximately 21Ha achieving a far greater area for rural production purposes rather than a 6Ha rural lifestyle lot.

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Image: Preferred Council planning assessment arrangement.

Whilst one residential lot can be reasonably anticipated in the zone that suitably manages an existing residential dwelling house separately from the adjoining proposed farming unit at lot 331 (associated with surrounding agricultural land activities) there is no planning justification presented for the creation of a second, vacant, 6.6Ha lot in the rural zone. The existing policy framework does not support any 'alternate' rural lifestyle lot creation in the rural zone either at the State planning level or within the South Burnett Planning Scheme 2017.

The proposed creation of lot 332 also fragments rural production land between the 6.6Ha lot and a waterway corridor to the west of the lot. With wet conditions, land will be isolated between proposed lot 332 and the waterway and not easily accessible for grazing purposes. As the applicant states within the submitted planning report under section 2.1

"Areas of the subject site along the mapped watercourse are mapped as susceptible to flooding, however, there are sufficient area on the realigned lots to provide safe and flood free vehicle access and building envelopes. These watercourses drain the site to the south that flow into the Oaky Creek to the south of the subject site."

The applicant has been requested to amend lot 332 as suggested by Council to ensure rural production land is not fragmented within the realignment configuration and ensure a more compliant rural lot outcome for proposed lot 332 however the request was refused by the applicant.

The planning assessment seeks to ensure an alignment of lot 332 boundaries along the waterway corridor to align environmental mapping with the lot boundary to not internally fragment 'useable land'.

The planning assessment concludes:

1. The creation of a ~9000m² dwelling lot (Proposed Lot 333) is supported under Reconfiguring a Lot Code;

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2. The creation of a larger viable, consolidated rural production lot for proposed lot 331 is supported via compliance with both the Rural Zone Code and the Reconfiguring a Lot Code.
3. Lot 332 is not supported in its current layout to the extent it presents non-compliance with the Rural Zone Code and the Reconfiguring a Lot Code.

RECOMMENDATION:

It is recommended that the code assessable application for a Development Permit for Reconfiguring a lot (3 lot into 3 lots) 306 Gesslers Road and Crownthorpe Road, Oakdale be approved despite the non-compliance of proposed lot 332 subject to reasonable and relevant conditions pursuant to Section 60 of the *Planning Act 2016* for the following reasons.

The reasons for this decision are:

- The proposal for lots 333 and 331 is consistent with the overall outcomes, acceptable outcomes and where appropriate, the performance outcomes for the rural zone and the Reconfiguring a Lot Code.
- The proposal for lot 332 is not consistent with the prescribed assessment benchmarks for Code assessment, but may be supported in spite of the non-compliance as the lot can be considered to achieve the purpose of the Reconfiguring a Lot code statement 1 (b) which seeks to create new rural living lots where good access to services is achieved, as can be considered applicable to this case with the subject land able to be serviced by all necessary utilities, is accessible by sealed road, and is located in good proximity to Murgon and its urban services.
- The applicant has accepted to implement a vegetation buffer on the side and rear boundaries of Proposed Lot 332 to minimise the potential for reverse amenity impacts.
- Reasonable and relevant conditions of approval can be imposed to ensure compliance with the South Burnett Planning Scheme 2017 requirements for infrastructure and servicing delivery standards.

Delegated Authority

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ATTACHMENTS

1. **Attachment A - Statement of Reasons**
2. **Attachment B - Infrastructure Charges Notice**

ATTACHMENT A – STATEMENT OF REASONS

NOTICE ABOUT DECISION – STATEMENT OF REASONS

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

Applicant:	Irene Phillips C/ ONF surveyors
Proposal:	Reconfiguring a Lot Development Permit Boundary Realignment
Street Address:	306 Gesslers Road and Crownthorpe Road, Oakdale
RP Description:	Lot 1 RP139838, Lot 110 FY278 and Lot 249 FY920
Number of Submissions:	None applicable
ISSUE	<ul style="list-style-type: none"> • Lot 332 introduces a non-rural lot into the rural zone without regard to the Purpose, Overall Outcomes and Performance Outcomes for the Rural Zone as outlined in the reasons below. • The introduction of a small scale non-rural lot in the rural zone is not in accordance with the applicable assessment benchmarks of State or Local Planning instruments. • The planning Act requires a bounded assessment for Code applications that cannot take into account any other matters other than the applicable assessment benchmarks as outlined below.

1. Assessment Benchmarks

The following are the benchmarks apply to this development:

South Burnett Regional Council Planning Scheme 2017

- Rural Residential Zone Code
- Reconfiguring a Lot Code
- Services & Works Code

2. Reasons for the Decision

The reasons for this decision are:

- The proposal for lots 333 and 331 is consistent with the overall outcomes, acceptable outcomes and where appropriate, the performance outcomes for the rural zone and the Reconfiguring a Lot Code.
- The proposal for lot 332 is not consistent with the prescribed assessment benchmarks for Code assessment, but may be supported in spite of the non-compliance as the lot can be considered to achieve the purpose of the Reconfiguring a Lot code statement 1 (b) which seeks to create new rural living lots where good access to services is achieved, as can be considered applicable to this case with the subject land able to be

serviced by all necessary utilities, is accessible by sealed road, and is located in good proximity to Murgon and its urban services.

- The applicant has accepted to implement a vegetation buffer on the side and rear boundaries of Proposed Lot 332 to minimise the potential for reverse amenity impacts.
- Reasonable and relevant conditions of approval can be imposed to ensure compliance with the South Burnett Planning Scheme 2017 requirements for infrastructure and servicing delivery standards.

3. Compliance with Benchmarks

The development was assessed against all the assessment benchmarks listed above and does not comply with all of these or can be conditioned to comply. Where the development is supported despite the non-compliances with assessment benchmarks the following reasons may apply.

1. The creation of lot 332 is not a precedent for future development in the Rural Zone as no rule of precedence applies to Planning Act 2016 decisions.
2. The lot 332 is not subject to known risks or hazards from flood and bushfire constraints.
3. The lot 332 can be adequately serviced in the Rural Zone.
4. Lot 332 can achieve the Purpose of the Reconfiguring a Lot code purpose statement 1(b) The development provides opportunities for rural residential living with good access to services.

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

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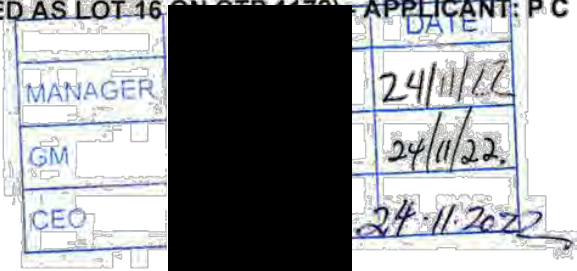
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Date:

0.0 MATERIAL CHANGE OF USE FOR A DWELLING HOUSE AT 16 RAINFOREST DRIVE, BUNYA MOUNTAINS (AND DESCRIBED AS LOT 16 ON GTP 1172) - APPLICANT: P C GAMIN C/- VOKES AND PETER

File Number: MCU22/0025
Author: Planning Officer
Authoriser: Chief Executive Officer



PRECIS

Material Change of use for a Dwelling House at 16 Rainforest Drive, Bunya Mountains (and described as Lot 16 on GTP 1172) - Applicant: P C Gamin C/- Vokes and Peter.

SUMMARY

- Application for Material Change of use – Development Permit (Dwelling House).
- Subject site in the Low Density Residential Zone and Bunya Mountains Precinct under the South Burnett Regional Council Planning Scheme.
- Proposal triggered code assessment as the dwelling house did not meet the accepted development subject to requirements – non-compliance with Low density residential zone Code, Section 5 (development within the Bunya Mountains Precinct). Specifically:
 - AO12.1 - 400mm eaves were not incorporated, however the functional alcoves of the building act like deep eaves and the veranda running along the front of the cabin provides the appearance of a deep eave.
 - AO12.6 - Awning, decorative or ornamental down-posts and fenestration and other ornamentation was not incorporated in accordance with the examples provided in the planning scheme, however, the building design employs different structural timber elements of a decorative nature including the veranda down-posts which are paired as twin posts to subtly ornament the built form.
- The development application is assessed against the relevant codes of the South Burnett Regional Council Planning Scheme. Relevant codes including:
 - Low density residential zone Code; and
 - Services and works Code.
- Council issued an Information Request in relation to compliance with the Low-Density Residential Zone Code and Bunya Mountains Body Corporate approval. The applicant did not provide a written assessment against Section 1 and Section 5 of Low density residential zone Code, demonstrating how the proposal complies.
- In response to the information request the applicant supplied a letter from the Body Corporate of the Bunya Mountains Rainforest Estate stating their support of the building design.
- The applicant provided a revised Planning Report with further information details how the proposed cabin complies with each acceptable outcome or overall outcome. An architectural statement and detailed written response was provided outlining how the proposed building design adopts the local alpine village architectural form. Overall, the single-occupancy timber cabin is simple but captures the alpine character with a 40 degree roof pitch, subtle ornamentation, pole construction, timber cladding and a veranda incorporated into the front façade.
- The application has been assessed and the proposal generally meets the requirements of the planning scheme and relevant codes or has been conditioned to comply (refer Attachment A – Statement of Reasons).
- Refer to the Infrastructure Charges Notice attached as Attachment B.
- Application recommended for approval subject to reasonable and relevant conditions.

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Date:

OFFICER'S RECOMMENDATION

That Council approve the development application for a Material Change of Use for a New Dwelling House on land at 16 Rainforest Drive, Bunya Mountains (and described as Lot 16 on GTP1172), subject to the following conditions.

GENERAL

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

Drawing Title	Prepared By	Project No.	Drawing No.	Date
Site Plan	Vokes and Peters	21845	DA001	26 Sep 2022
Floor Plan – Cabin	Vokes and Peters	21845	DA010	26 Sep 2022
Floor Plan – Utility Area	Vokes and Peters	21845	DA011	26 Sep 2022
Floor Plan – Outdoor	Vokes and Peters	21845	DA012	26 Sep 2022
Roof Plan	Vokes and Peters	21845	DA013	26 Sep 2022
Elevation north-east	Vokes and Peters	21845	CD100	26 Sep 2022
Elevation north-west	Vokes and Peters	21845	CD101	26 Sep 2022
Elevations south-west	Vokes and Peters	21845	DA102	26 Sep 2022
Elevation south-west (courtyard)	Vokes and Peters	21845	DA103	26 Sep 2022
Elevation south-east	Vokes and Peters	21845	CD104	26 Sep 2022

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

GEN3. The applicant is required to maintain the site in a clean and orderly state at all times, clearing declared weeds and feral animals.

GEN4. Dust prevention measures must be undertaken to ensure that dust does not cause a nuisance to occupiers of adjacent properties.

DEVELOPMENT PERIOD – MCU

GEN5. The currency period for this development approval for material change of use is six (6) years after the development approval starts to have effect. The development approval will lapse unless the survey plan for all works and stages required to be given to Council for approval is provided within this period.

BUILDING WORK

MCU1. Buildings and other structures on site shall be constructed of non-reflective materials in colours comprising of earth and forest tones.

LANDSCAPING

MCU2. Implement a landscape buffer along the full frontage of the proposed rainwater tanks to minimise the visibility of the rainwater tanks from the road frontage. The buffer should be 2 metres deep and consist of a combination of low shrubs, groundcovers, medium to tall shrubs, hedge plants and shade trees.

MCU3. Plant selection, implementation and care should be in accordance with Council's Branching Out – Your Handy Guide to Tree Planting in the South Burnett.

Delegated Authority

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- MCU4. Maintain the landscape buffer at all times.

ENGINEERING WORKS

- ENG1. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to commencement of the use unless stated otherwise.
- ENG2. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's standard drawings and design standards, relevant design guides, and Australian Standards.
- ENG3. Be responsible for the full cost of any alterations necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations, resulting from the development or from road and drainage works required in connection with the development.

LOCATION, PROTECTION AND REPAIR OR 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 utility services infrastructure and assets, as a result of the proposed development immediately upon completion of works associated with the development.

STORMWATER MANAGEMENT

- ENG6. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
- ENG7. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

ON-SITE WASTEWATER DISPOSAL

- ENG8. Connect the development to an on-site wastewater disposal system, in accordance with the AS1547 and the Queensland Plumbing and Wastewater Code.
- ENG9. Obtain a Development Permit for Plumbing Works for the on-site sewerage treatment system.

VEHICLE ACCESS

- ENG10. Construct a residential crossover between the property boundary and the edge of the Rainforest Drive pavement, having a minimum width of 4 metres, generally in accordance with Council's Standard Drawing No. 00049. A concrete driveway constructed generally in accordance with Council's Standard Drawing No. 00049.
- ENG11. Construct any new crossover such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure (e.g. power pole, telecommunications pit), road infrastructure (e.g. street sign, street tree, etc).

ELECTRICITY AND TELECOMMUNICATION

- ENG12. Connect the development to electricity and telecommunication services.

EROSION AND SEDIMENT CONTROL – GENERAL

- ENG13. Ensure that all reasonable actions are taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage system.

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ADVICE

ADV1. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 31 December 2023. Eligible development under this scheme is required to be completed by 31 December 2023.

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

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 filing 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.

ADV4. Infrastructure charges are not levied by way of an infrastructure charges notice pursuant to section 119 of the *Planning Act 2016*.

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.

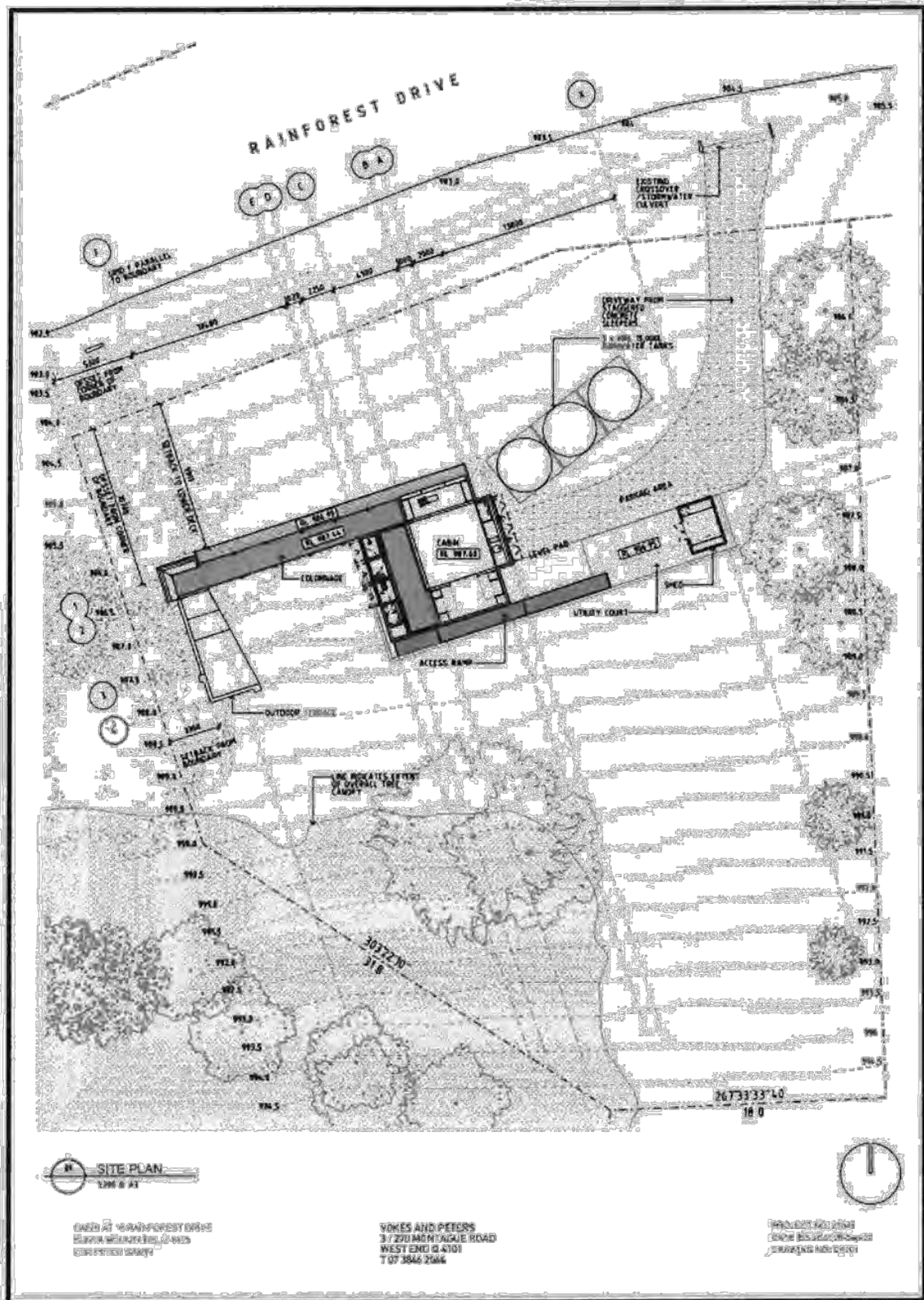
ASSET MANAGEMENT IMPLICATIONS

No implication can be identified.

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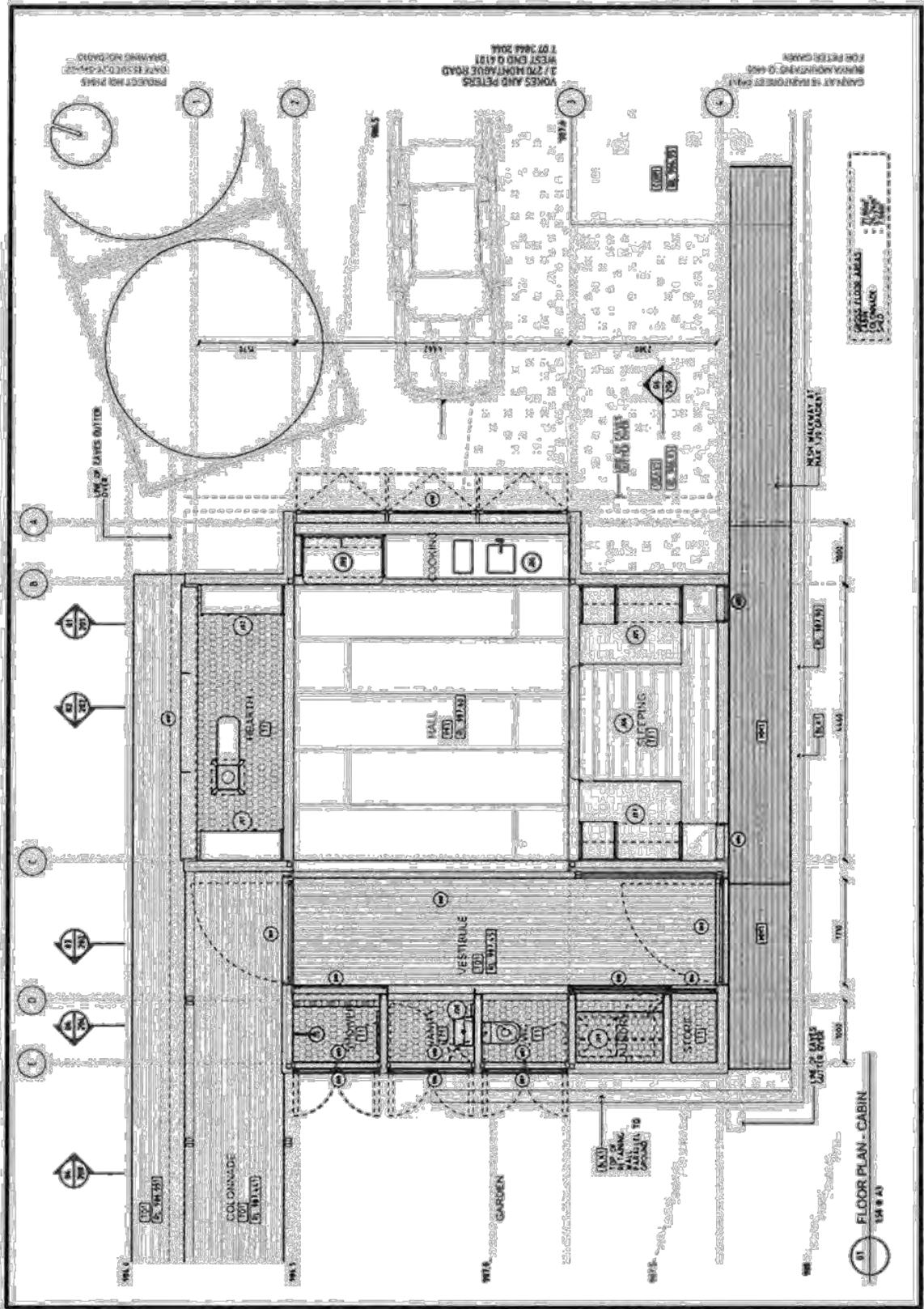
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PROPOSAL PLAN



Delegated Authority

Date:

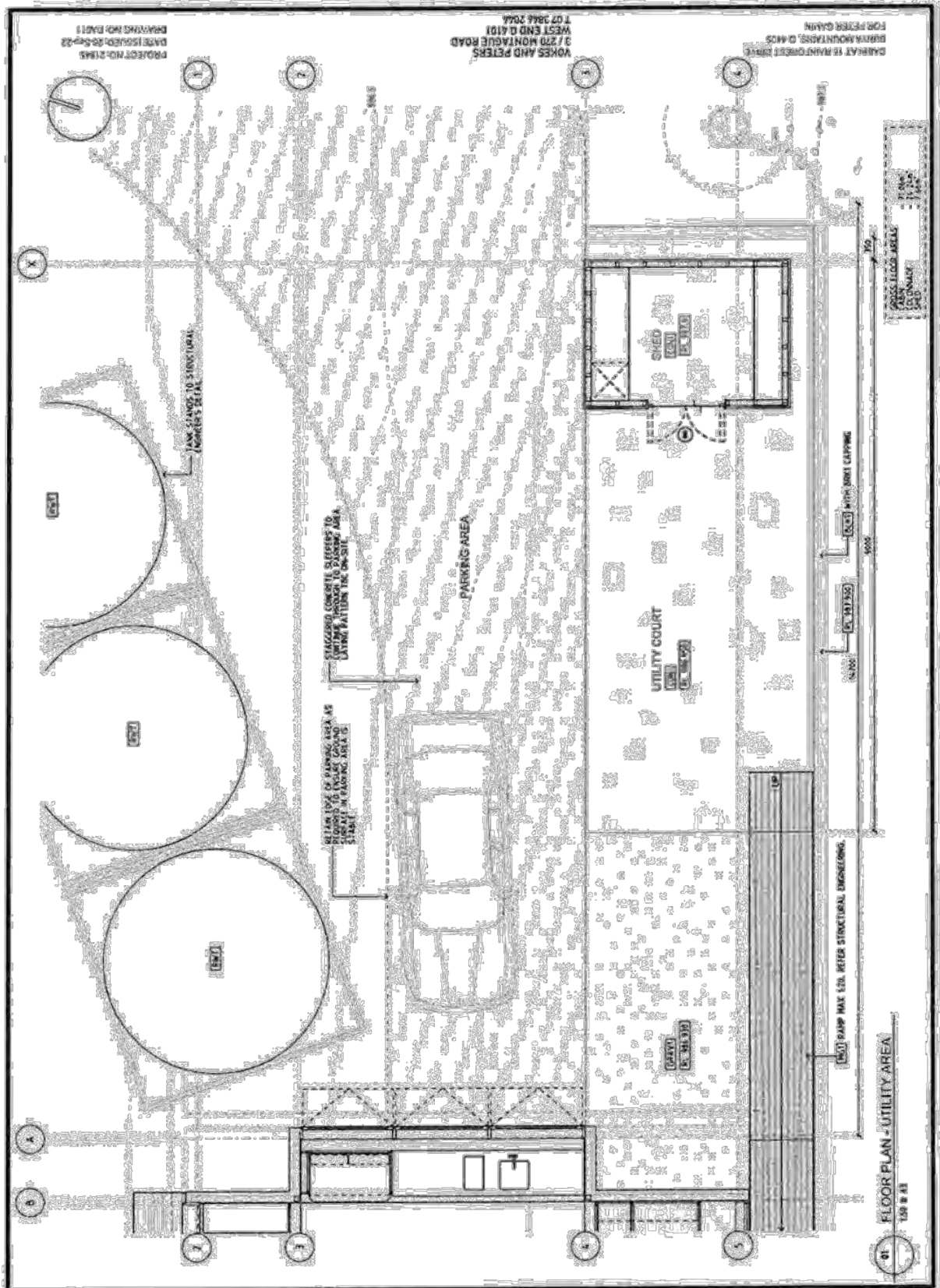


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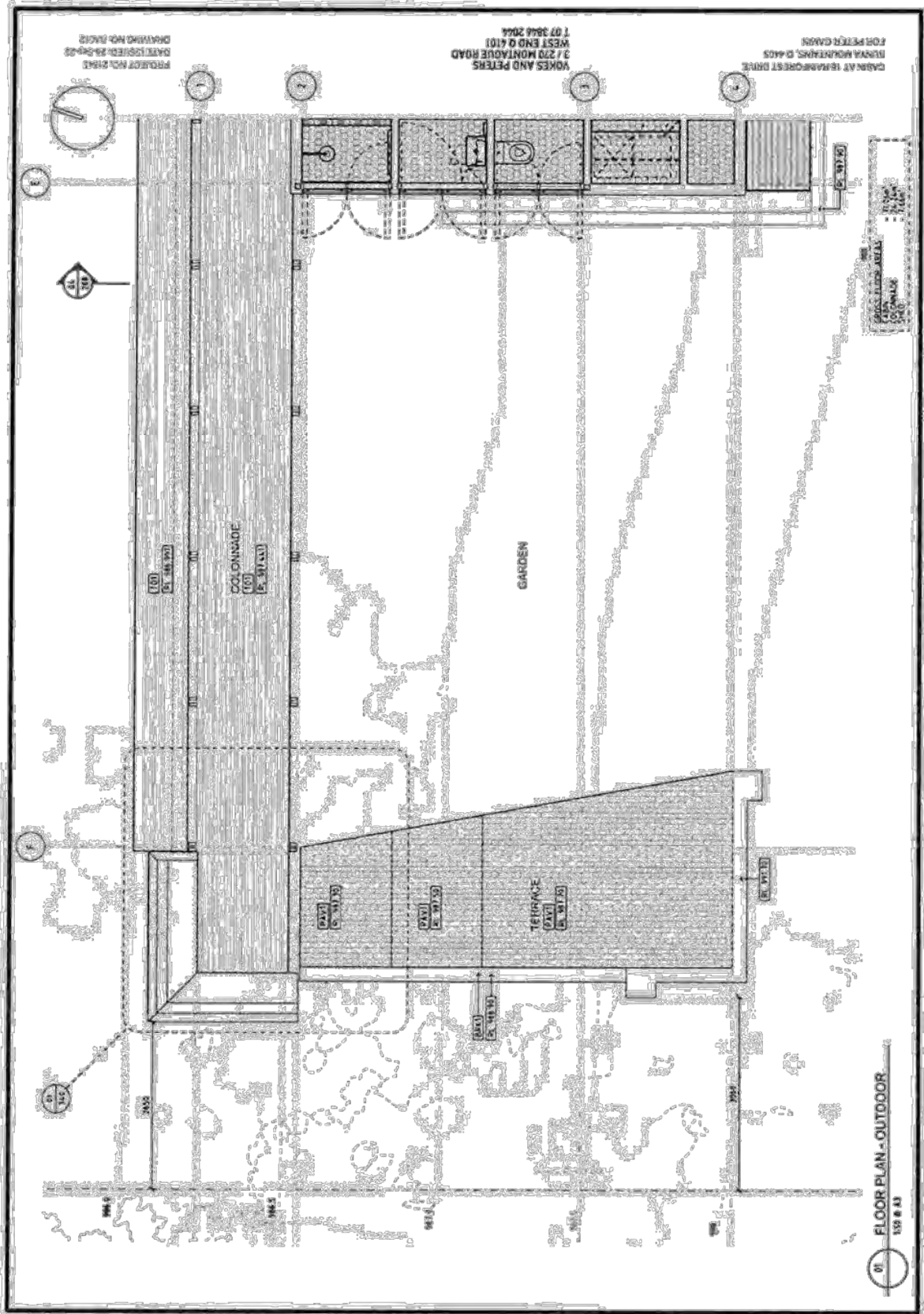


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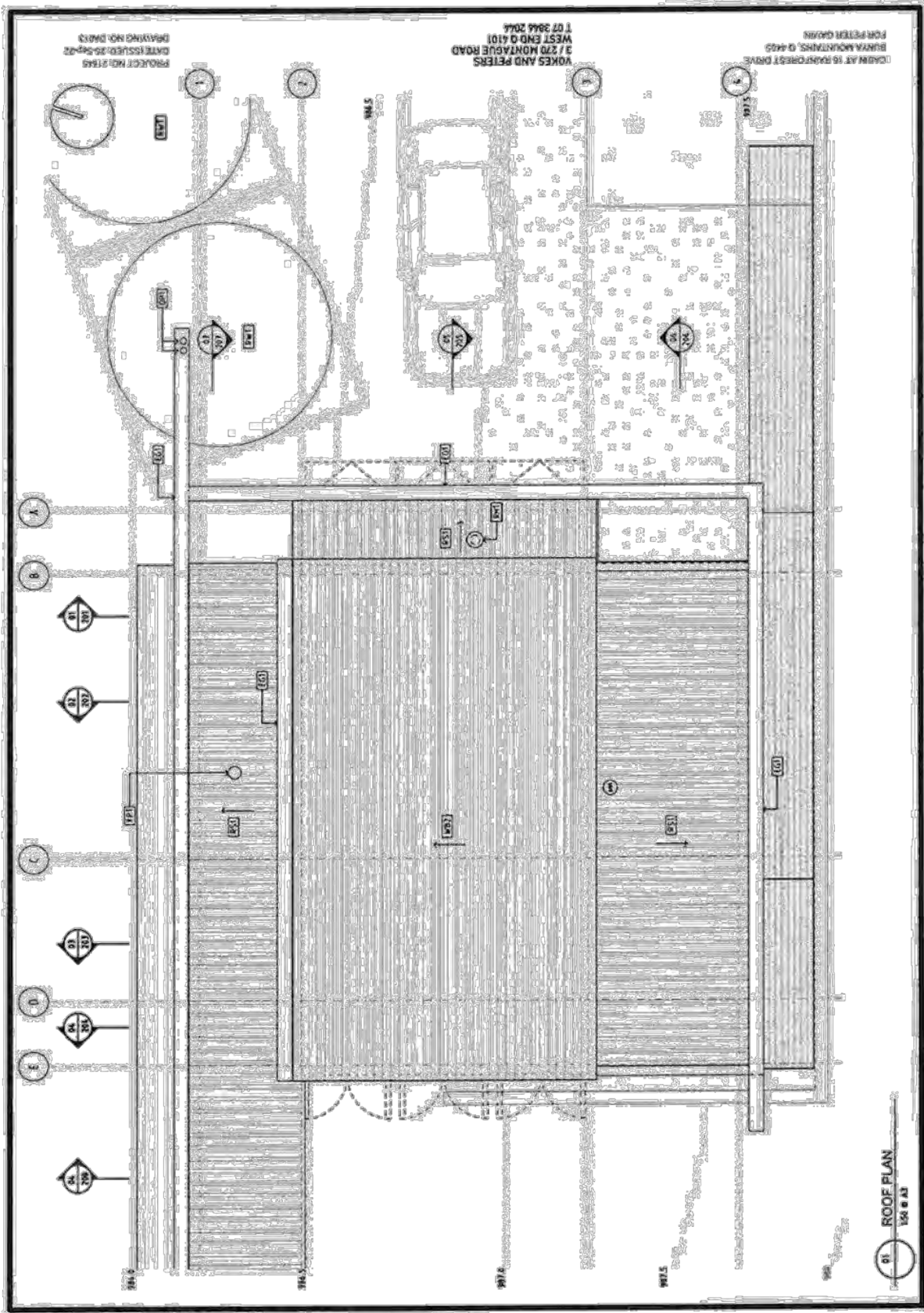
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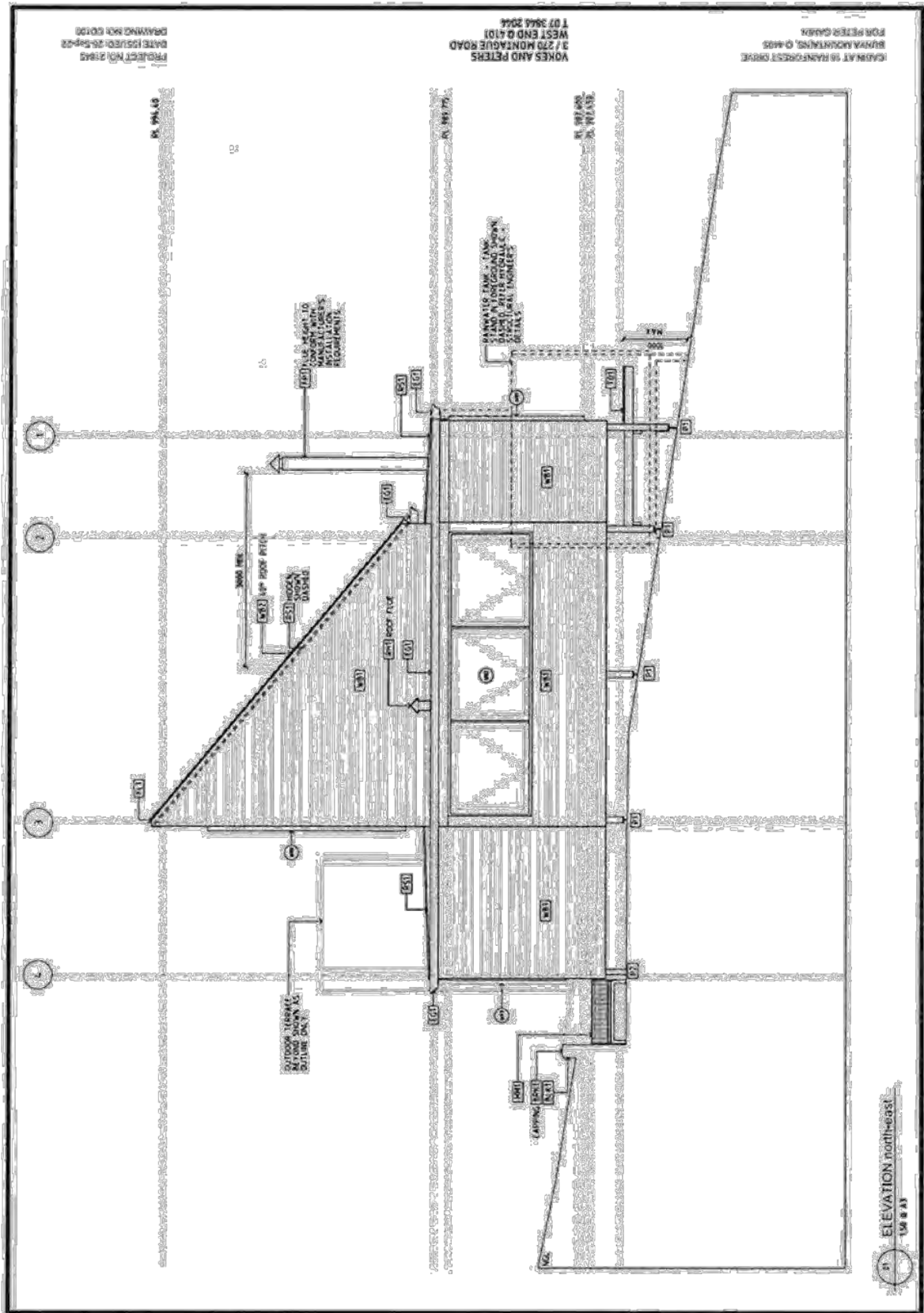


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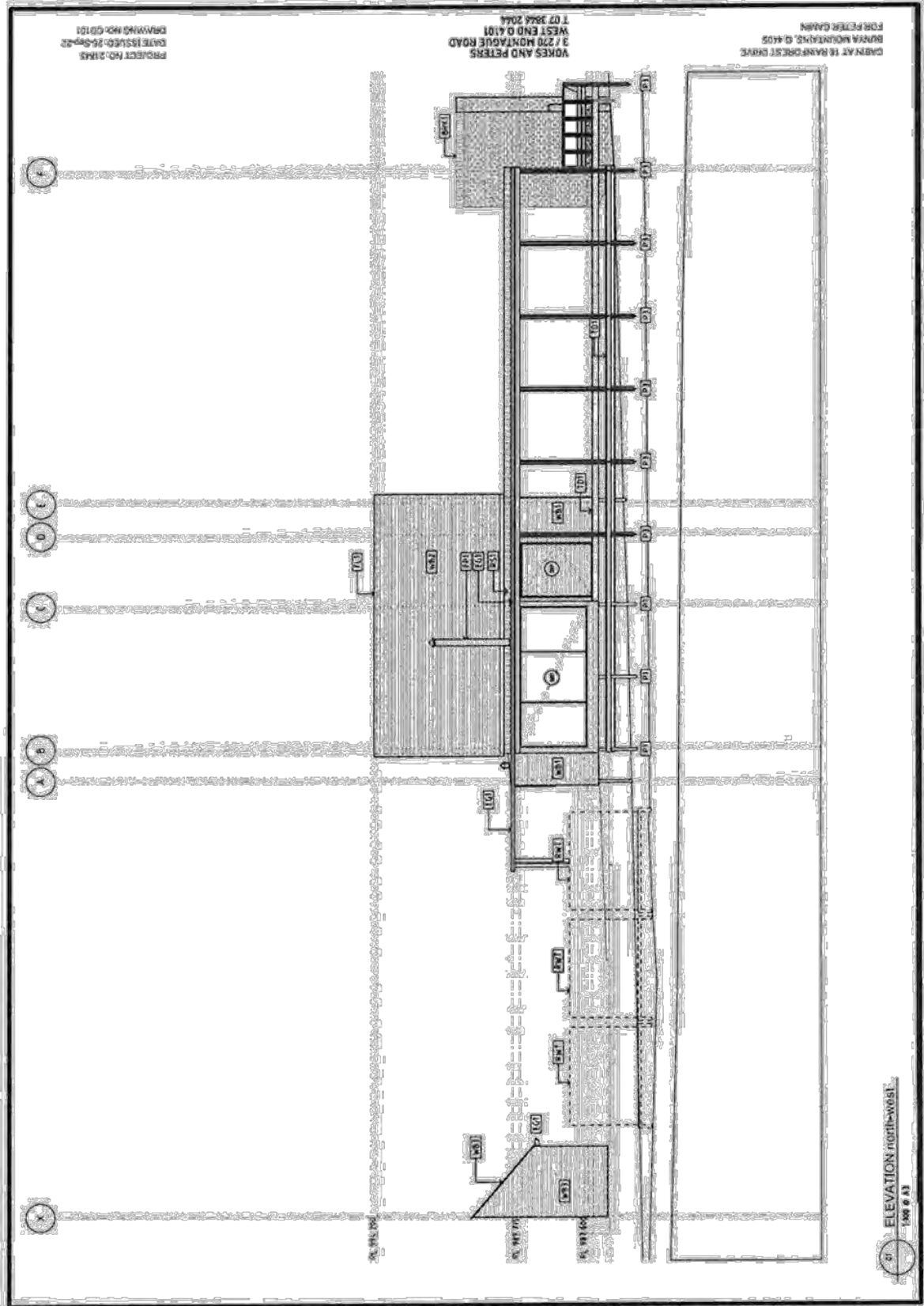
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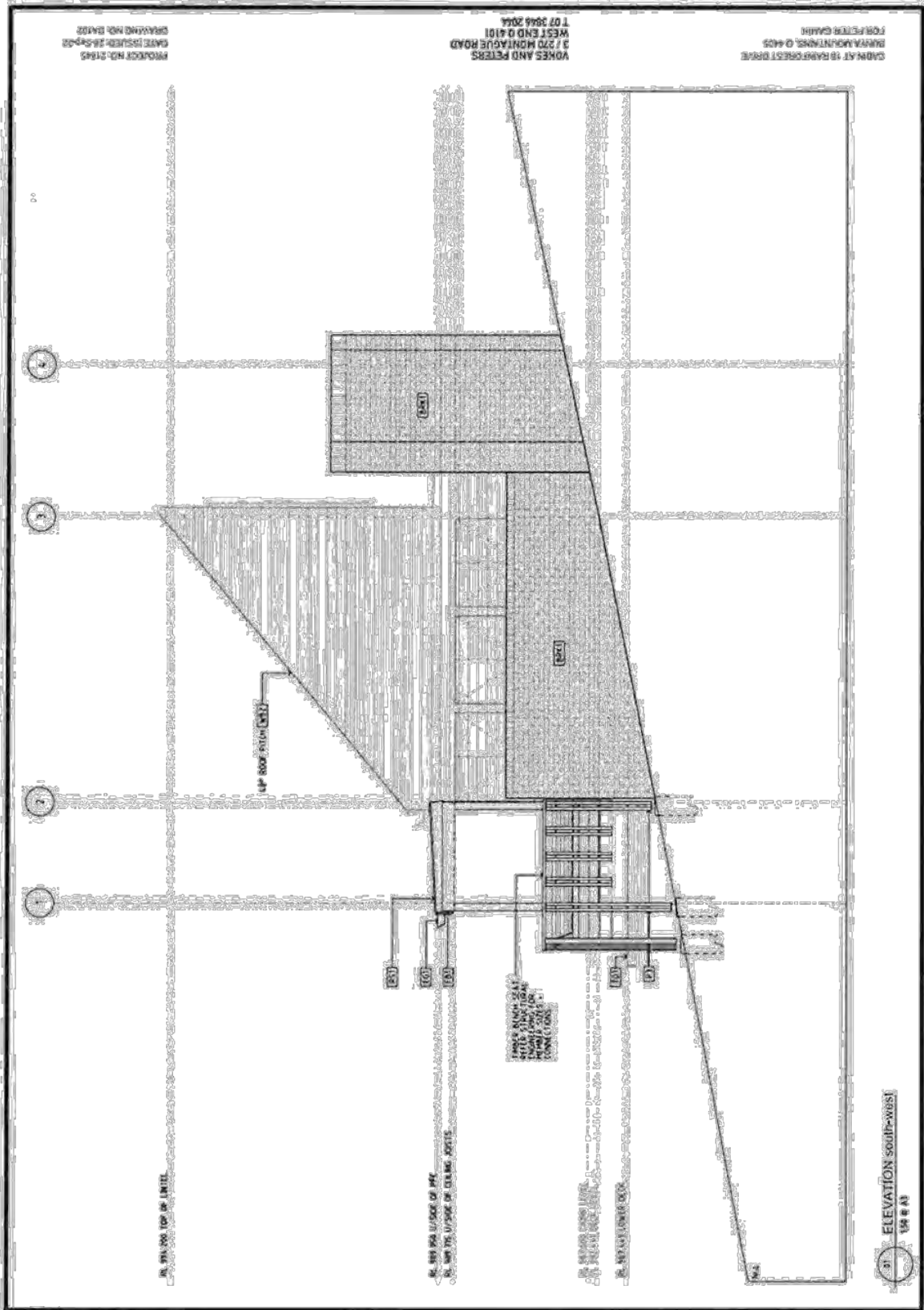


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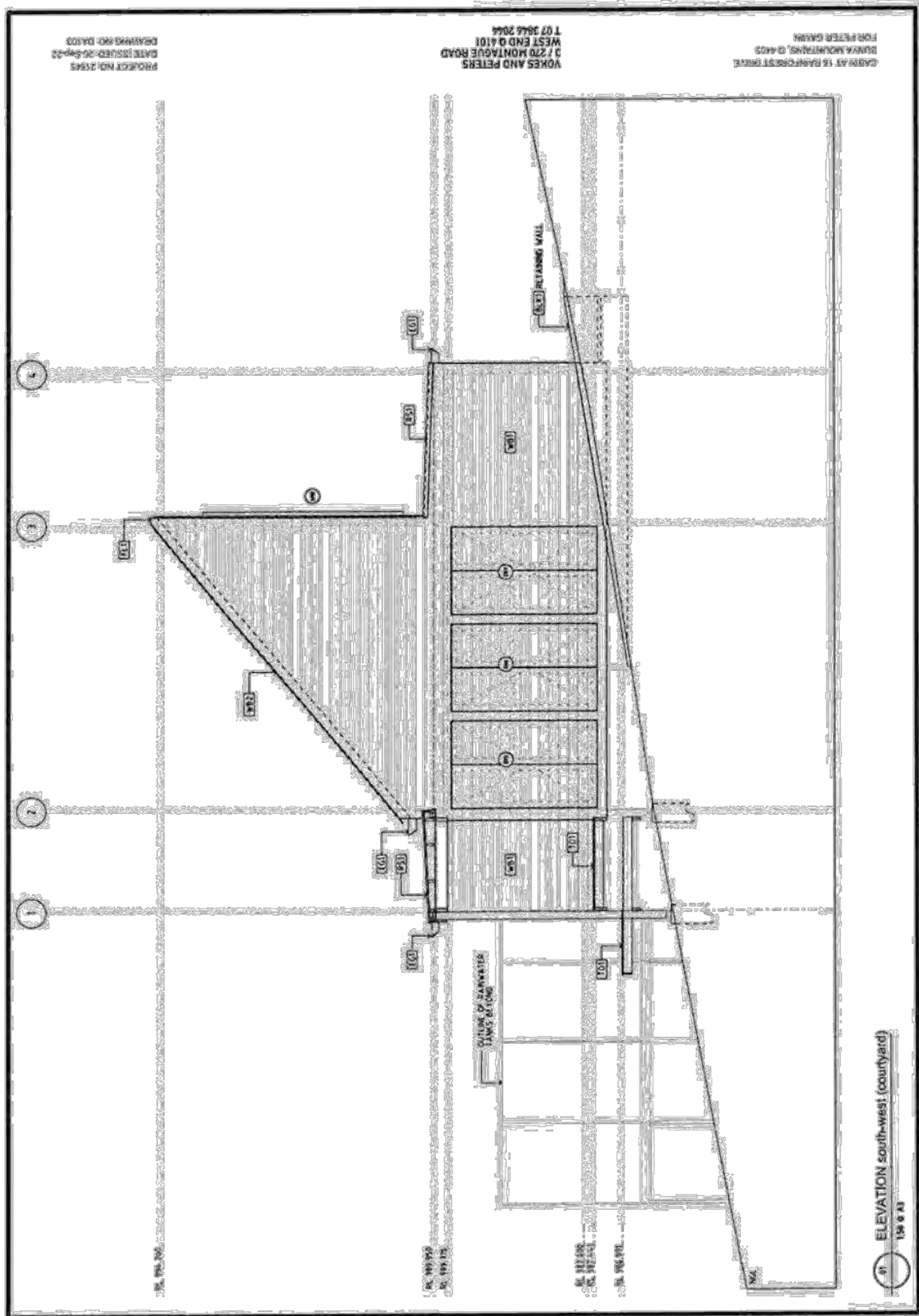


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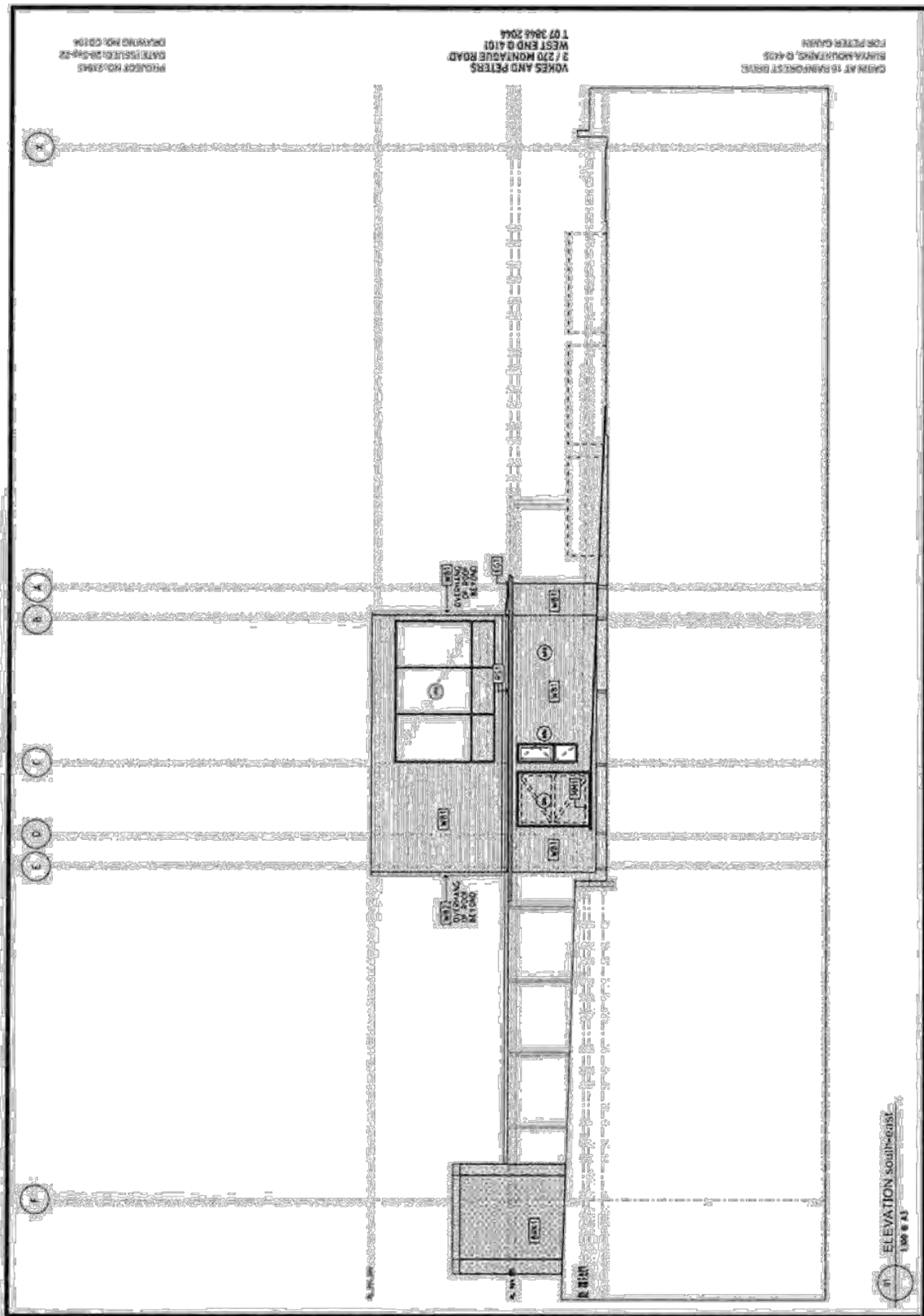


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CONCEPT PLANS



Figure 01: Proposed front façade showing front door + informal landscaped pathway/steps



Figure 02: Front verandah and decorative timber bench seat showing twin post detail

Delegated Authority

Date:



Figure 03: View from interior of cabin to landscape beyond

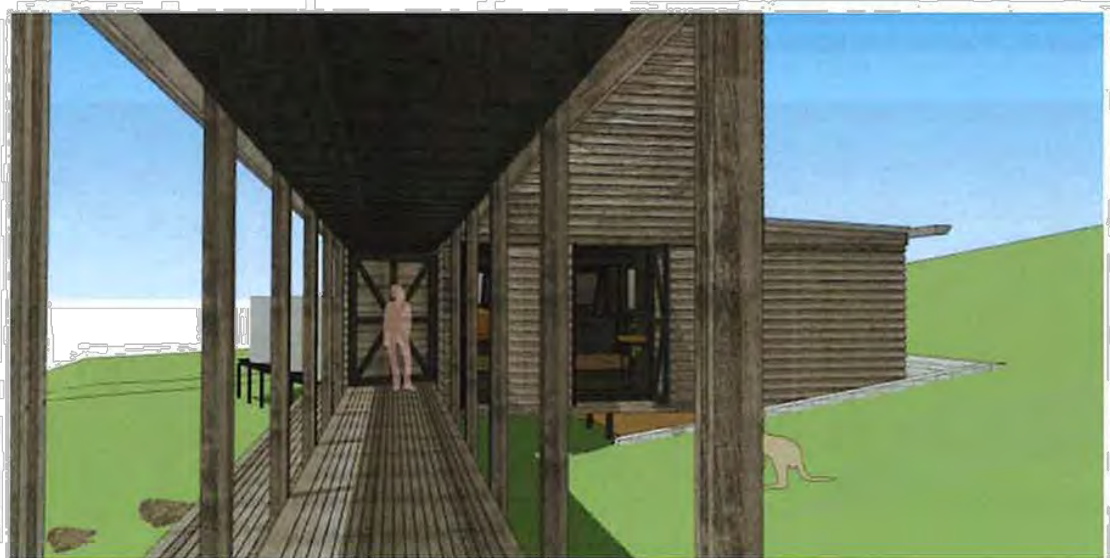


Figure 04: View to front door from decorative bench seat

Delegated Authority

Date:



Figure 05: Proposed front façade from NW aspect of site.



Figure 06: Front elevation - highlighting expressiveness of structural elements, the small scale of the proposed cabin

Delegated Authority

Date:



Figure 07: View from rear of cabin – minimal disturbance of site + continuity of slope

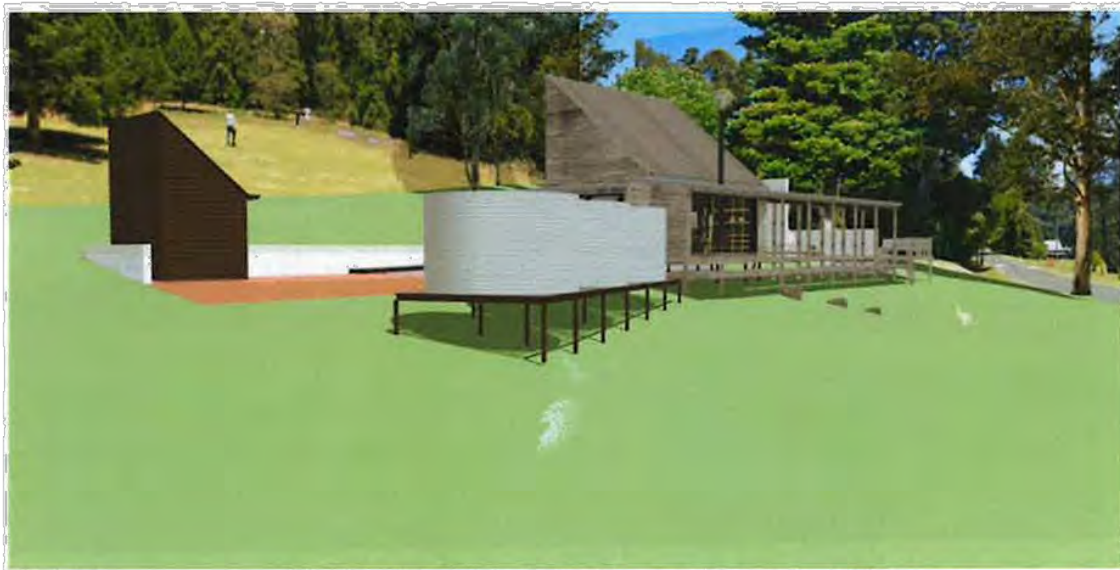


Figure 08: View to utility court and ramp access showing consolidation of utility areas and services to the western side

Delegated Authority

Date:

REPORT

The applicant seeks approval for a development permit for a Material Change of Use – Dwelling House.

APPLICATION SUMMARY	
Applicant:	Peter Gamin C/- Vokes and Peter
Proposal:	Dwelling House
Propriety Made Date:	11/10/22
Street Address:	Rainforest Drive, Bunya Mountains
RP Description:	Lot 16 on GTP 1172
Assessment Type:	Code assessable
Number of Submissions:	N/A
State Referral Agencies:	N/A
Referred Internal Specialists:	Development Engineer

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

PROPOSED DEVELOPMENT	
Proposed Development:	Dwelling House – 103m ²
Variations Sought:	Nil
Level of Assessment:	Code
Area to be used:	Approximately 177.5m ²
Impervious Area:	Not provided.
Site Cover:	Approximately 177.5m ² including terrace, ramp + water tanks. Approximately 8% of 2246m ² site area.
Car Parking Spaces:	1
Service Vehicle Provision:	Nil
Submissions Received:	N/A
Decision Making Period Ends:	1 December 2022

SITE DETAILS:

SITE AND LOCALITY DESCRIPTION				
Land Area:	2246m ²			
Existing Use of Land:	Vacant			
Road Frontage:	Rainforest Drive			
Road/s	Road Hierarchy			
Rainforest Drive	Internal road of gated community.			
Easements	Nil			
Significant Site Features:	Nil			
Topography:	The site rises from the road with a moderate slope, with Bunya pines and other dense vegetation to the sides and rear of the property.			
Surrounding Land Uses:	Land Use	Zone/Precinct		
North	Rainforest/residential land – low density res/environ zone			

Delegated Authority		Date:
South	Rainforest/residential land – low density res/environ zone	
East	Bunya Mountains town centre – low density res	
West	Rainforest/residential land – low density res/environ zone	
Services:	Electricity, telecommunication, sewer	

Background / Site History

APPLICATION NO.	DECISION AND DATE
	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:

PLANNING REGULATION 2017 DETAILS	
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:	Urban
Zone:	Low density residential zone
Precinct:	Bunya Mountains Precinct
Consistent/Inconsistent Use:	Consistent
Assessment Benchmarks:	Low density residential zone code Services and works code

Delegated Authority _____

Date: _____

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 COMMENTS
LOW DENSITY RESIDENTIAL ZONE CODE	
Section 2 - General	
<p>PO2 The density, built form and appearance of development reflects the intended low density, detached housing character of the zone, is climatically responsive and facilitates casual surveillance of the street.</p>	
<p>AO2.1 Site cover does not exceed 50% except for the Bunya Mountains Precinct where the maximum site cover is 10%. and AO2.2 Buildings are a maximum of 2 storeys above ground level. and AO2.3 Pedestrian entrances to buildings are clearly visible from the street. and AO2.4 The maximum length of any façade without articulation or change of materials is 10m. and AO2.5 Buildings are set back at least: (a) 6m from the primary street frontage; (b) 4.5m from any secondary street frontage; (c) 1.5m from side boundaries; and (d) 6m from rear boundaries. and AO2.6 A 1.8m high screen fence is provided to the side and rear boundaries. and AO2.7 Plant and service equipment (air conditioning, exhaust fans, lift motor rooms, refuse bins, telecommunication devices, etc) are integrated into the building. and AO2.8 Garages are at or behind the ground level front building setback. and AO2.9 Front façades incorporate the front door (and an associated front door identification structure) and living room windows or balconies oriented toward the street. and AO2.10 Each unit incorporates a private open space at least 20m² in area and 4</p>	<ul style="list-style-type: none"> ✓ Complies - The proposed dwelling will result in a site cover of approximately 8%. ✓ Complies - The proposed dwelling is 1 storey. ✓ Complies – Prominent front door, with pedestrian movement to be signalled using natural landscape elements (e.g. stepping stones, landscape step). The entry veranda and breezeway are visible from the street. ✓ Complies - No façade exceeds 10m in length without articulation. ✓ Complies – The dwelling is set back 9m from the road frontage and 3m from the side boundary. ✓ No screen fencing has been proposed in accordance with the established built form in the Bunya Mountains Rainforest Estate. ✓ Complies – Plant and service equipment is integrated into the built form. ✓ Complies – The proposed uncovered carparking area is located behind the water tanks. ✓ Complies – The front façade incorporates front door, living room windows or veranda orientated toward the street.

Delegated Authority	Date
<p>metres wide that directly adjoins the unit's principal living area and is oriented northward.</p> <p>and</p> <p>AO2.11 Front fences are less than 1.2 metres high.</p> <p>and</p> <p>AO2.12 Where a dual occupancy in the Low Density Residential zone, each unit has:</p> <p>(a) independent driveway access to its respective street frontage; and</p> <p>(b) Its front door (and an associated front door identification structure) and living room windows or balconies oriented toward its respective street frontage.</p>	<ul style="list-style-type: none"> • Not applicable. • Not applicable. • Not applicable.
<p>PO3 Development responds to natural landforms and stormwater flows:</p>	
<p>AO3.1 Cut and fill is minimised.</p> <p>and</p> <p>AO3.2 For building sites steeper than 10%, elevated split-level building construction is used to achieve level changes.</p>	<ul style="list-style-type: none"> ✓ Complies – The proposal aims to minimise cut and fill on site to maintain the natural landform where possible. ✓ Site is not steeper than 10% gradient.
<p>PO4 Development is adequately serviced:</p>	
<p>AO4.1 Development is connected to reticulated water supply and sewerage.</p> <p>and</p> <p>AO4.2 Stormwater is discharged to a lawful point of discharge or to downstream properties but only with the consent of the affected landowners.</p> <p>and</p> <p>AO4.3 Development is supplied with reticulated electricity and telecommunications services.</p>	<ul style="list-style-type: none"> ✓ The Bunya Mountains Estate does not have access to reticulated water or sewerage. The proposed dwelling will be serviced by on-site water supply and effluent disposal system. ✓ Complies - Stormwater runoff will be directed to Rainforest Drive as the lawful point of discharge. ✓ Complies – The development will be serviced by reticulated electricity services. Mobile telecommunications services are available in the locality.
<p>PO5 The efficiency and safety of the road network is not compromised by inappropriate access arrangements.</p>	
<p>No outcome specified.</p>	<ul style="list-style-type: none"> ✓ Complies - The proposed dwelling will include a suitable constructed access to Rainforest Drive. Relevant conditions added to ensure compliance.
<p>PO6 Refuse storage areas:</p> <p>(a) are conveniently located for use and collection; and</p> <p>(b) are of useable size; and</p> <p>(c) avoid adverse impacts on neighbours and occupants; and</p> <p>(d) are screened from view within the site, adjoining properties and the street.</p>	
<p>No outcome specified.</p>	<ul style="list-style-type: none"> ✓ Complies – A proposed shed provides suitable and discreet refuse storage, arranged with a utility/parking terrace.
<p>PO7 Development is located and designed to ensure that land uses are not exposed to:</p> <p>(a) Areas that pose a health risk from previous activities; and</p> <p>(b) Unacceptable levels of contaminants.</p>	

Delegated Authority

Date:

<p>AO7.1 Development does not occur: (a) In areas that pose a health risk from previous activities; and (b) on sites listed on the Contaminated Land Register or Environmental Management Register. or AO7.2 Areas that pose a health risk from previous activities and contaminated soils which are subject to development are remediated prior to plan sealing, operational works permit, or issuing of building works permit.</p>	<p>✓ Complies – The site is not identified on the CLR or EMR.</p>
<p>Section 5 – Development in Bunya Mountains Precinct</p>	
<p>PO12 Development, including Dwelling Houses, must adopt the local alpine village architectural form.</p>	
<p>AO12.1 Roofs are pitched to at least 40° and incorporate at least 400mm eaves. and AO12.2 Buildings are of predominantly timber construction. and AO12.3 Front façades incorporate verandahs and windows with a height to width ratio greater than 1.0. and. AO12.4 Buildings utilise 'pole' construction techniques with minimal ground disturbance in preference to 'slab on ground' construction techniques. and AO12.5 Timber-cladding and metal rather than tiled roofs are the predominant finishes used in building/construction. and AO12.6 Awnings, decorative or ornamental down-posts and fenestrations and other ornamentation (as illustrated below) are used in building design to reinforce a 'chalet' character of built form. AO12.7 Dual occupancies have the appearance of a dwelling house.</p>	<p>The proposed building design is considered to adopt the local alpine village architectural form.</p> <p><u>Architect's statement below:</u></p> <ul style="list-style-type: none"> ✓ The primary roof is pitched at 40 degrees, with the functional alcoves of the building acting like deep eaves or veranda extensions with low horizontal roofs. There is an intention to incorporate either awnings or low-E glass into the window treatment of glazed windows as required in response to the Energy Efficiency assessment. The veranda running along the front of the cabin provides the appearance of a deep eave. ✓ Proposed building is of a predominately timber construction, including timber roof cladding. ✓ Ground disturbance is minimised by elevating the post + beam structure of the cabin on timber and steel posts, with only outbuildings and a small exterior terrace sitting directly on/in the ground. ✓ The proposed cabin will be constructed predominantly from timber cladding, with timber-clad and metal sheet roofing. ✓ The building design employs a language of expressive structural timber elements, which is a reference to the inherent decorative qualities of simple timber alpine cabins. ✓ The veranda down-posts are paired as twin posts to subtly ornament the built form. Exposed ceiling joists throughout the cabin and in the external veranda space serve to integrate an ornamental approach to put the building together.

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	<ul style="list-style-type: none"> ✓ Large timber doors and shutters are constructed using exposed timber frames and diagonal cross braces.
SERVICES AND WORKS CODE	
Section 1 - General	
PO1 The development is planned and designed considering the land use constraints of the site for achieving stormwater design objectives.	
AO1.1 A stormwater quality management plan provides for achievable stormwater quality treatment measures that meet the design objectives identified in Table 9.4.4.	<ul style="list-style-type: none"> ✓ This development does not necessitate the need for a Stormwater quality management plan. ✓ Relevant stormwater conditions added by Development Engineer to ensure compliance with PO1.
PO2 Development does not discharge wastewater to a waterway or off-site unless demonstrated to be best practice environmental management for that site.	
AO2.1 A wastewater management plan prepared by a suitably qualified person and addresses : (a) wastewater type; (b) climatic conditions; (c) water quality objectives; (d) best-practice environmental management; and AO2.2 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.	<ul style="list-style-type: none"> ✓ This development does not necessitate the need for a Wastewater management plan. ✓ Relevant condition added by Development Engineer to ensure compliance with PO2.
PO3 Construction activities avoid or minimise adverse impacts on stormwater quality.	
AO3.1 An erosion and sediment control plan addresses the design objectives for the construction phase in Table 9.4.4.	<ul style="list-style-type: none"> ✓ This development does not necessitate the need for an Erosion and sediment control plan. ✓ Relevant conditions added by Development Engineer to ensure that during construction there is minimal impact on stormwater quality.
PO4 Operational activities avoid or minimise changes to waterway hydrology from adverse impacts of altered stormwater quality and flow.	
AO4.1 Development incorporates stormwater flow control measures to achieve the design objectives for the postconstruction phase in Table 9.4.4.	<ul style="list-style-type: none"> ✓ Relevant conditions added by Development Engineer to ensure compliance.
Section 2 - Infrastructure	
PO5 Development is provided with infrastructure which: (a) conforms with industry standards for quality; (b) is reliable and service failures are minimised; and (c) is functional and readily augmented.	

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<p>AO5.1 Except in the Rural zone, all development occurs on a site with frontage to a sealed road. and AO5.2 Infrastructure is designed and constructed in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>	<ul style="list-style-type: none"> ✓ Complies – Rainforest Drive is bitumen sealed. ✓ Relevant conditions added to ensure access is designed to required standard.
<p>Section 3 – Vehicle Parking</p>	
<p>PO6 Vehicle parking and access is provided to meet the needs of occupants, employees, visitors and other users.</p>	
<p>AO6.1 Vehicle parking spaces are provided on-site in accordance with Table 9.4.5. and AO6.2 A service bay is provided on-site for the service vehicle nominated in Table 9.4.5. and AO6.3 Driveway crossings are provided to the standard contained in PSP1 – Design and Construction Standards. and AO6.4 Vehicle parking and manoeuvring areas are provided in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>	<ul style="list-style-type: none"> ✓ The dwelling house incorporates uncovered vehicle parking area. ✘ Not applicable. ✓ Relevant condition added by Development Engineer to ensure compliance with AO6.3
<p>Section 4 - Landscaping</p>	
<p>PO7 Landscaping is appropriate to the setting and enhances local character and amenity.</p>	
<p>AO7.1 Landscaping is provided in accordance with the relevant zone code provisions. and AO7.2 Where shade tree planting is required in vehicle parking areas each planting bed has a minimum area of 2m² and is unsealed and permeable. and AO7.3 Plantings along frontages or boundaries are in the form of defined gardens with three tier planting comprised of groundcovers, shrubs (understorey), and trees (canopy) and provided with a drip irrigation system, mulching and border barriers.</p>	<p>To enhance the local character and amenity, conditions have been added to integrate a landscape buffer in front of the water tanks.</p> <p>The buffer should be in the form of a defined gardens with three tier plantings comprised of groundcovers, shrubs (understorey), and trees (canopy).</p>
<p>PO8 Plant species avoid adverse impacts on the natural and built environment, infrastructure and the safety of road networks.</p>	
<p>AO8.1 Landscaping utilises plant species that are appropriate for the location and intended purpose of the landscaping. and AO8.2 Species selection avoids non-invasive plants.</p>	<ul style="list-style-type: none"> ✓ Vegetation buffer should be implemented in accordance with Council's Branching Out Guide.
<p>Section 5 – Filling and Excavation</p>	

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Date

<p>PO9 Development results in ground levels that retain; (a) access to natural light; (b) aesthetic amenity; (c) privacy; and (d) safety.</p>	
<p>AO9.1 The depth of: (a) fill is less than 2m above ground level; or (b) excavation is less than 2m below ground level. and AO9.2 The toe of the fill, or top of the excavation is not less than 0.5m inside the site property boundary. and AO9.3 Works do not occur on slopes over 15% in grade. and AO9.4 Retaining walls over 1m in height are terraced 1.5m for every 1m in height and landscaped. and AO9.5 Batter slopes are not steeper than 25% and are grassed and terraced 1.5m for every 1m in height. and AO9.6 Filling or excavation for the purpose or retention of water: (a) is certified by an RPEQ engineer to safely withstand the hydraulic loading; (b) directs overflow such that no scour damage or nuisance occurs on adjoining lots.</p>	<ul style="list-style-type: none"> ✓ Minimal cut and fill proposed. The proposal aims to retain the natural land form where possible. ✓ Complies – Fill is less than 2m above ground level and excavation is less than 2m below ground level. 410.52m³ cut is proposed and 405.34m³ fill is proposed to level the site for the proposed dwelling. • Not applicable. • Not applicable. • Not applicable.
<p>PO10 Filling or excavation does not cause damage to public utilities;</p>	
<p>AO10.1 Filling or excavation does not occur within 2m horizontally of any part of an underground water supply, sewerage, stormwater, electricity or telecommunications system.</p>	<ul style="list-style-type: none"> ✓ Complies.
<p>PO11 Filling and excavation avoids water ponding on the premises or nearby premises that will adversely impact on the health of the community.</p>	
<p>AO11.1 Following filling or excavation: (a) the premises: (i) are self-draining; and, (ii) has a minimum slope of 0.25%; and, (b) surface water flow is: (i) directed away from neighbouring properties; or (ii) discharged into a stormwater drainage system designed and constructed in accordance with AS3500 section 3.2.</p>	<ul style="list-style-type: none"> ✓ Relevant conditions added by Development Engineer to ensure compliance with AO11.1.

Delegated Authority

Date:

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

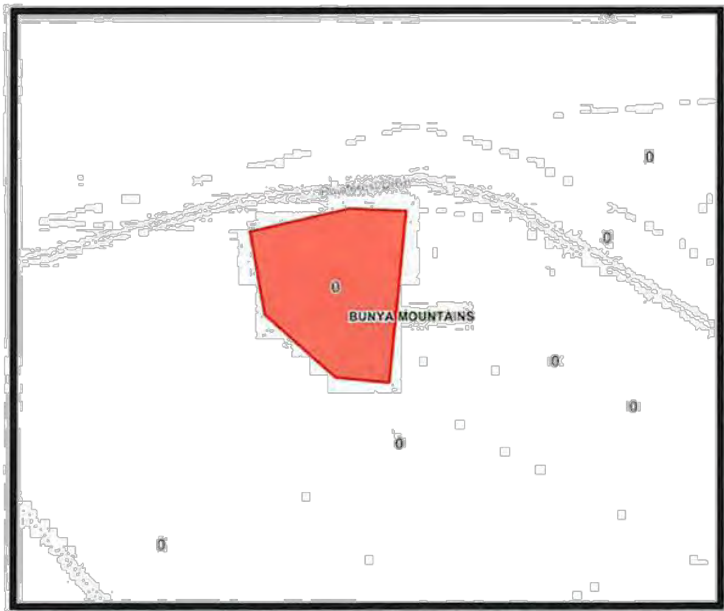


Figure 2 - Locality Plan (Source: IntraMaps)

Delegated Authority

Date:

CONSULTATION:

Referral Agencies

Not applicable.

Other Referrals

INTERNAL REFERRAL SPECIALIST	REFERRAL / RESPONSE
Development Engineer	Provided standard conditions relating to stormwater, services, access, water supply and wastewater.
Infrastructure Charges Unit	<p>Council adopted the LGIP on 24 June 2019 which commenced on 1 July 2019.</p> <p>The types of development that may trigger the issuing of an infrastructure charges notice are:-</p> <ul style="list-style-type: none"> a) Reconfiguring a lot; b) Making a material change of use; and c) Carrying out building work. <p>The current charge for this proposed development is nil.</p> <p>Refer to the Infrastructure Charges Notice attached as Attachment B.</p>

CONCLUSION:

The single-occupancy timber cabin is simple but captures the alpine character with a 40 degree roof pitch, subtle ornamentation, pole construction, timber cladding and a veranda incorporated into the front façade.

The development is considered to achieve suitable compliance with the relevant assessment benchmarks and performance outcomes applied for by the applicant as assessed on its merits and subject to reasonable and relevant conditions.

RECOMMENDATION:

It is recommended that the Code Assessment application for a Development Permit for a Dwelling House on Rainforest Drive, Bunya Mountains (described as Lot 16 GTP1172) be approved subject to reasonable and relevant conditions pursuant to Section 50 of the Planning Act 2016.

Delegated Authority

Date

ATTACHMENTS

1. **Attachment A - Statement of Reasons**
2. **Attachment B - Infrastructure Charges Notice**

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:

Type of Approval	Material Change of Use – Development permit
Level of Assessment	Code
Application No	MCU22/0025
Name of Applicant	Peter Gamin C/- Vokes and Peter
Street Address	16 Rainforest Drive, Bunya Mountains
Real Property Address	Lot 16 on GT1172

On 24 November 2022 the above development was:

Approved in full, with conditions;

1. Reasons for the Decision

The reasons for this decision are:

- ☐ The dwelling house is considered low scale and compatible with Bunya Mountains environmental values.
- ☐ Dwelling house design is simple but captures the local alpine village architectural form required in the Bunya Mountains Precinct.
- ☐ The proposal is considered consistent with the surrounding development and will not result in significant impact on the residential amenity of the locality.

2. Assessment Benchmarks

The following benchmarks apply to this development:

- Low density residential zone code
- Services and works code

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

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

APPLICANT: Peter Gamin
C/- Vokes and Peters
3/270 Montague Rd
WEST END QLD 4104

APPLICATION: Dwelling house

DATE: 22/11/2022

FILE REFERENCE: MCU22/0025

AMOUNT OF THE LEVIED CHARGE: **\$0.00** **Total**
(Details of how these charges were calculated are shown overleaf)

\$0.00	Water Supply Network
\$0.00	Sewerage Network
\$0.00	Transport Network
\$0.00	Parks and Land for Community Facilities Network
\$0.00	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 16 GTP1172

SITE ADDRESS: 16 Rainforest Drive, Bunya Mountains

PAYABLE TO: **South Burnett Regional Council**

WHEN PAYABLE: Material Change of Use – When the change happens.
(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**

DETAILS OF CALCULATION

Water Supply

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

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
Residential Use (3 or more bed)	1	Dwelling	\$2,410.00	CR Table 2.1	\$2,410.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lawful use (Dwelling House)	1	Dwelling	\$2,410.00	CR Table 2.1	\$2,410.00

Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Residential Use (3 or more bed)	1	Dwelling	\$2,009.00	CR Table 2.1	\$2,009.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lawful use (Dwelling House)	1	Dwelling	\$2,009.00	CR Table 2.1	\$2,009.00

Stormwater

Adopted Charges

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

Discounts*

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

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Dwelling House	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

** In accordance with Section 3.3 of the Charges Resolution, the discount may not exceed the adopted charge. Any surplus discounts will not be refunded, except at South Burnett Regional Council's discretion.*

INFORMATION NOTICE

Authority and Reasons for Charge

This Infrastructure Charges Notice has been given in accordance with section 119 of the *Planning Act 2016* to support the Local government's long-term infrastructure planning and financial sustainability.

Appeals

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

Automatic Increase Provision of charge rate (\$)

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

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

GST

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

Making a Payment

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

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

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

¹ 3-yearly PPI average is defined in section 114 of the *Planning Act 2016* and means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters. PPI Index is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics.

Payment can be made at any of the following South Burnett Regional Council Offices:

- 69 Hart Street, Blackbutt, 4314;
- 45 Glendon Street, Kingaroy, 4610;
- 42 Stephens Street West, Murgon, 4605;
- 48 Drayton Street, Nanango, 4615;
- McKenzie Street, Wondai, 4606; or
- via other methods identified on the Itemised Breakdown.

Enquiries

Enquiries regarding this Infrastructure Charges Notice should be directed to the SOUTH BURNETT REGIONAL COUNCIL, Department of Planning and Land Management, during office hours, Monday to Friday by phoning (07) 4189 9100 or email at info@southburnett.qld.gov.au

Delegated Authority

Date:

0.0 MATERIAL CHANGE OF USE (SHOWROOM) AT 9 MARKWELL STREET, KINGAROY (AND DESCRIBED AS LOT 5 ON RP7915) - APPLICANT: B & J IRWIN ATF THE IRWIN INVESTMENT TRUST C/- ONF SURVEYORS

File Number: MCU22/0024
Author: Senior Planning Officer
Authoriser: Chief Executive Officer

SIGNATURE		DATE
MANAGER	[Redacted]	05/11/22
GM		28/11/22
CEO		28.11.2022

PRECIS

Material Change of Use (Showroom) at 9 Markwell Street, Kingaroy (and described as Lot 5 on RP7915) - Applicant: B & J Irwin ATF The Irwin Investment Trust C/- ONF Surveyors

SUMMARY

- Application for Material change of use – development permit (Showroom);
 - o Display and sale of All-Terrain Vehicles (ATV), Utility Terrain Vehicles (UTV) and mowers;
 - o Floor area comprises of Showroom (109.6m²), Storage area (133.6m²) and awning area (41.8m²);
 - o Provision of six(6) car parking spaces including one (1) PWD;
- Subject site located in the Principal centre zone under the South Burnett Regional Council Planning Scheme;
- Proposal triggered code assessment as the proposal did not meet the accepted development subject to requirements provisions;
 - o Parking for an articulated vehicle (AV) cannot be accommodated due to the size of the subject site.
- The subject site is 1,012m² in area and vacant apart from storage of ATVs and other similar vehicles;
- The development application is assessed against the relevant code of the South Burnett Regional Council Planning Scheme. Relevant codes including:
 - o Principal centre zone code; and
 - o Services and works code.
- The subject site is within 100m of a state controlled intersection however, SARA advised that referral was not necessary;
- Council did not issue an information request;
- The application has been assessed and the proposal generally meets the requirements of the planning scheme and relevant codes or has been conditioned to comply (refer Attachment A – Statement of Reasons);
- Refer Attachment B – Infrastructure Charges Notice;
- Application recommended for approval subject to reasonable and relevant conditions.

OFFICER’S RECOMMENDATION

That Council approve the development application for a Material change of use for a new Showroom on land at 9 Markwell Street, Kingaroy (and described as Lot 7 on CP891608), subject to the following conditions and that an infrastructure charges notice be levied under the Adopted Infrastructure Charges Resolution.

GENERAL

GEN1. The development must be carried out generally in accordance with the approved plans and documents.

Drawing Title	Prepared by	Ref no.	Sheet	Date
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Delegated Authority

Date:

Site Plan Option 1	blueprint	22 -3151 -TN	1	22nd JUNE 2022
Floor Plan	blueprint	22 -3151 -TN	2	22nd JUNE 2022
Elevations (Northern and Western)	blueprint	22 -3151 -TN	3	22nd JUNE 2022
Elevations (Southern and Eastern)	blueprint	22 -3151 -TN	4	22nd JUNE 2022
Perspectives (North-eastern and North-western view)	blueprint	22 -3151 -TN	5	22nd JUNE 2022
Perspectives (South-eastern and South-western view)	blueprint	22 -3151 -TN	6	22nd JUNE 2022

DEVELOPMENT PERIOD - MCU

GEN2. The currency period for this development approval for material change of use is six (6) years after the development approval starts to have effect.

APPROVED USE

GEN3. The approved development is a Material change of use for a Showroom area (109.6m²) plus storage area (133.6m²), as shown on the Approved Plans and does not imply approval for other similar uses. The subject site is not to be used for any other purpose unless in the opinion of Council is subservient to the predominant use of the site.

ENGINEERING WORKS

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

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

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

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

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

ENG5. Repair all 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 stormwater management generally in accordance with the Preliminary Stormwater Management Plan prepared by ATC Engineers and Project Managers, Version 1.0, dated 12 September.

ENG7. Connect the development to the existing stormwater system.

Delegated Authority**Date:**

- ENG8. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
- ENG9. Stormwater from sealed areas and overflow pipes from stormwater detention structures and/or tanks installed for the stormwater system is required to be piped to the kerb and channel on Markwell Street.
- ENG10. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.
- ENG11. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

WATER SUPPLY

- ENG12. Connect the development to Council's reticulated water supply system via a single connection.

SEWERAGE

- ENG13. Connect the development to Council's existing reticulated sewerage system via a single connection.
- ENG14. Actual connection to Council's live sewerage infrastructure must be undertaken by or under the supervision of Council.
- ENG15. Do not build works within 1.5 metres from the centre of any existing sewer pipework or within the Zone of Influence, whichever is the greater (measured horizontally).
- ENG16. Maintain a minimum of a 3-metre-wide corridor to be maintained for maintenance/upgrade purposes.
- ENG17. Ensure that a clear level area surrounding any existing sewer manholes on the site is provided for future maintenance/upgrade purposes.
- ENG18. The above minimum clearances to Council's sewer infrastructure do not preclude the need for works to proposed structures to prevent loading to the sewer system.

PARKING AND ACCESS - GENERAL

- ENG19. Design all access driveways, circulation driveways, parking aisles and car parking spaces in accordance with Australian Standard 2890.1 - Parking Facilities - Off Street Car Parking.
- ENG20. Design and construct all driveway, parking, and manoeuvring areas with concrete, asphalt or a two-coat bitumen seal.
- ENG21. Provide a minimum of 6 car parking spaces including a minimum of 1 person with disability (PWD) car parking spaces.
- ENG22. Design & construct all PWD car parking spaces in accordance with AS2890.6.
- ENG23. Provide vehicle bollards or tyre stops to control vehicular access and to protect landscaping or pedestrian areas where appropriate.
- ENG24. Ensure access to car parking spaces, vehicle loading and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

Delegated Authority

Date:

ENG25. Provide longitudinal gradient and crossfall for all driveways to comply with the requirements of AS2890.1.

PARKING AND ACCESS - SERVICING

ENG26. Provide adequate manoeuvring for a medium rigid vehicle (MRV), ensuring that the MRV can enter and exit in the forward direction.

VEHICLE ACCESS

ENG27. Construct a commercial standard crossover between the property boundary and the edge of the Markwell Street road pavement, having dimensions in accordance with Blueprint Drafting Services plan 22-3151-TN, Sheet 1, dated 22 June 2022, generally in accordance with IPWEAQ Std Dwg RS-051. The maximum crossfall across the footpath section shall be 1 in 40.

ENG28. The linemarking for the existing on-street carparks either side of the access shall be removed.

ROADWORKS AND PEDESTRIAN SAFETY

ENG29. Install signage for all works on or near roadways in accordance with the Manual for Uniform Traffic Control Devices – Part 3, Works on Roads.

ENG30. Submit to Council, an application for any footpath, road or lane closures, and ensure all conditions of that approval are complied with during construction of the works.

ENG31. Maintain safe pedestrian access along Council's footpaths at all times.

ELECTRICITY AND TELECOMMUNICATION

ENG32. Connect the development to electricity and telecommunication services.

EROSION AND SEDIMENT CONTROL - GENERAL

ENG33. Ensure that all reasonable actions are taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.

ENG34. Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

ADVICE

MATERIAL CHANGE OF USE – CURRENCY PERIOD

ADV1. Section 85 (1)(a) of the *Planning Act 2016* provides that, if this approval is not acted upon within the period of six (6) years the approval will lapse.

WHEN APPROVAL STARTS TO HAVE EFFECT

ADV2. This development approval starts to have effect in accordance with the provisions of Section 71 of the *Planning Act 2016*.

INFRASTRUCTURE CHARGES

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

Delegated Authority _____

Date: _____

DEVELOPER INCENTIVE

ADV4. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 31 December 2023. Eligible development under this scheme is required to be completed by 31 December 2023.

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

HERITAGE

ADV5. 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

ADV6. 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.

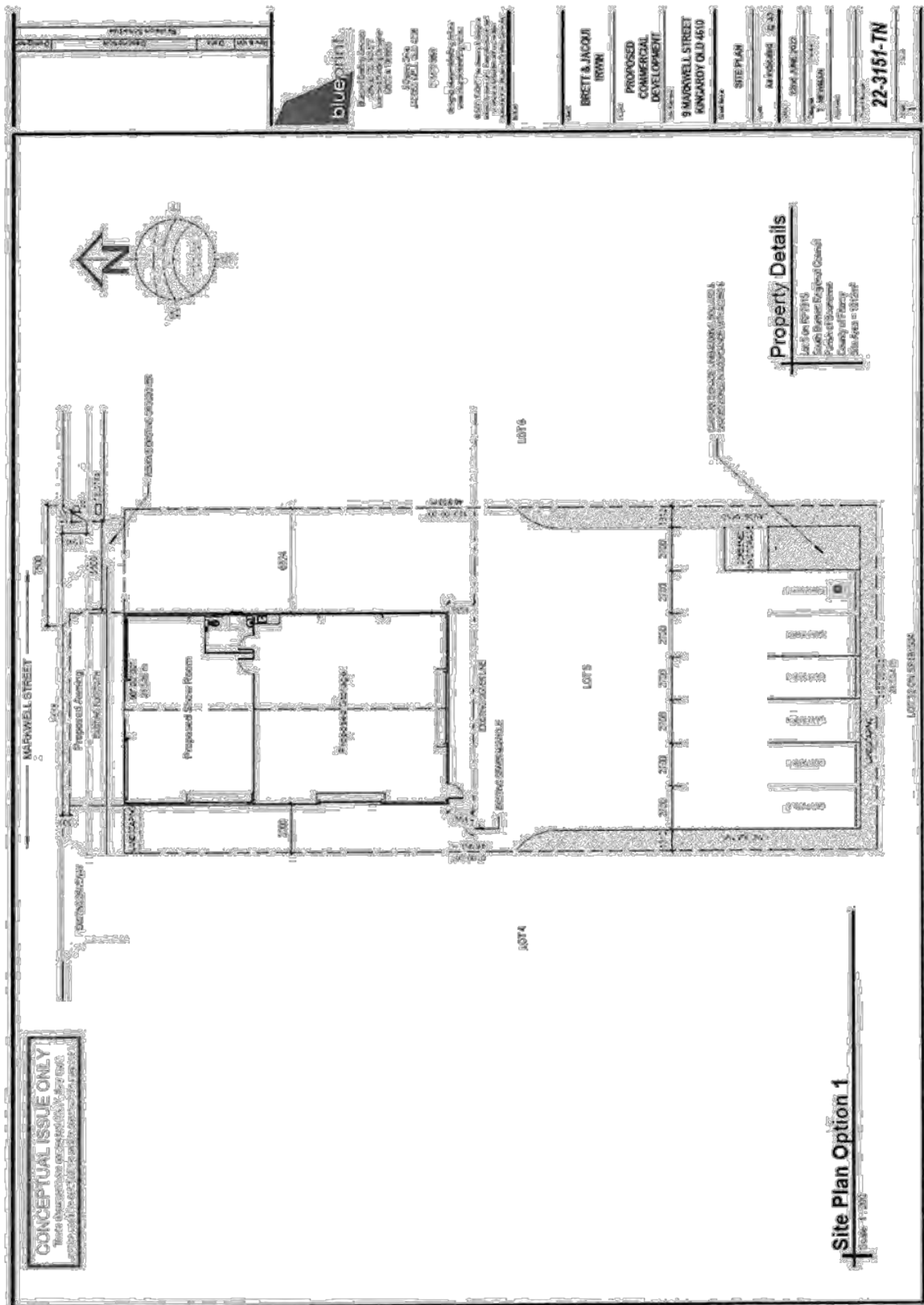
ASSET MANAGEMENT IMPLICATIONS

No implication can be identified.

Delegated Authority

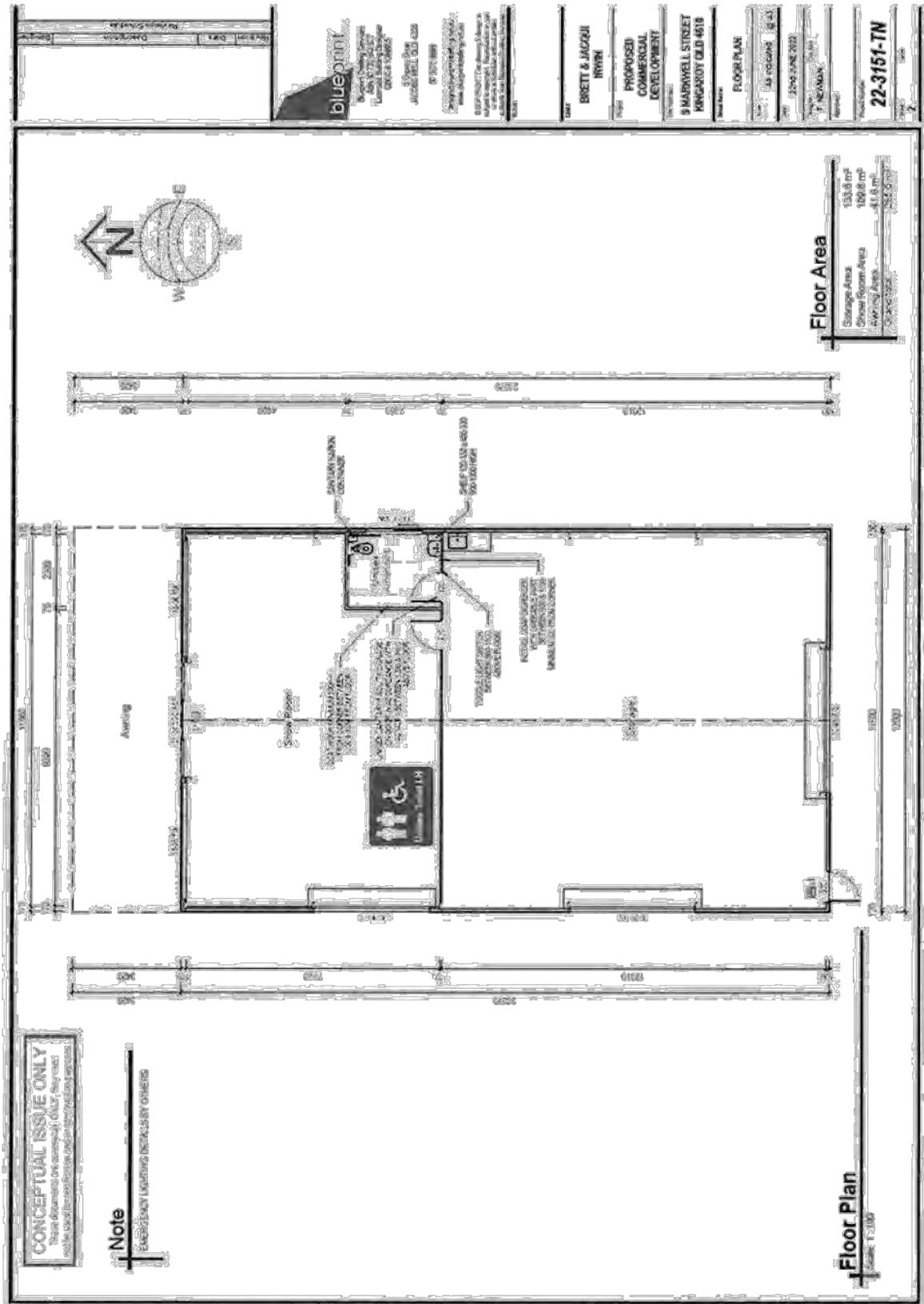
Date:

PROPOSAL PLAN



Delegated Authority

Date




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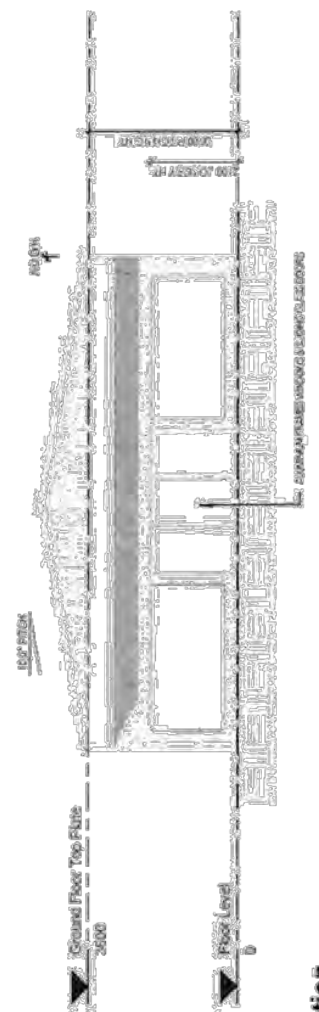
Page 8

Delegated Authority

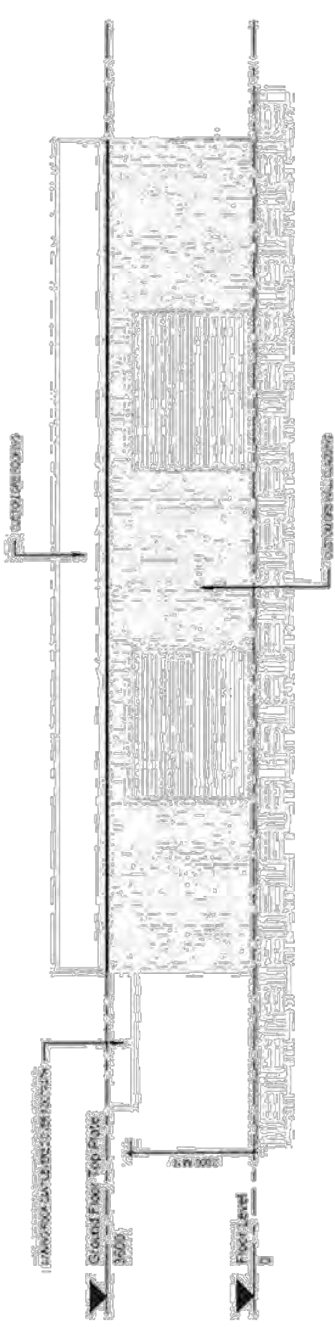
Date

 <p>blueprint ARCHITECTURE 1000 W. MAIN ST. SUITE 100 MURKIN, TN 37132 615.261.1111 www.blueprintarchitect.com</p>	<p>PROJECT NO. 22-039</p> <p>OWNER BRETT & JACQUI ROWEN</p> <p>PROJECT PROPOSED COMMERCIAL DEVELOPMENT</p> <p>PROJECT ADDRESS 9 MARROWELL STREET MURKIN, TN 37132</p> <p>DATE ELEVATIONS 1</p> <p>SCALE 1" = 8'-0"</p> <p>DATE 22ND JUNE 2022</p> <p>PROJECT MURKIN, TN</p> <p>PROJECT NO. 22-3151-7N</p>
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CONCEPTUAL ISSUE ONLY
These drawings are conceptual only and are not to be used for construction purposes.



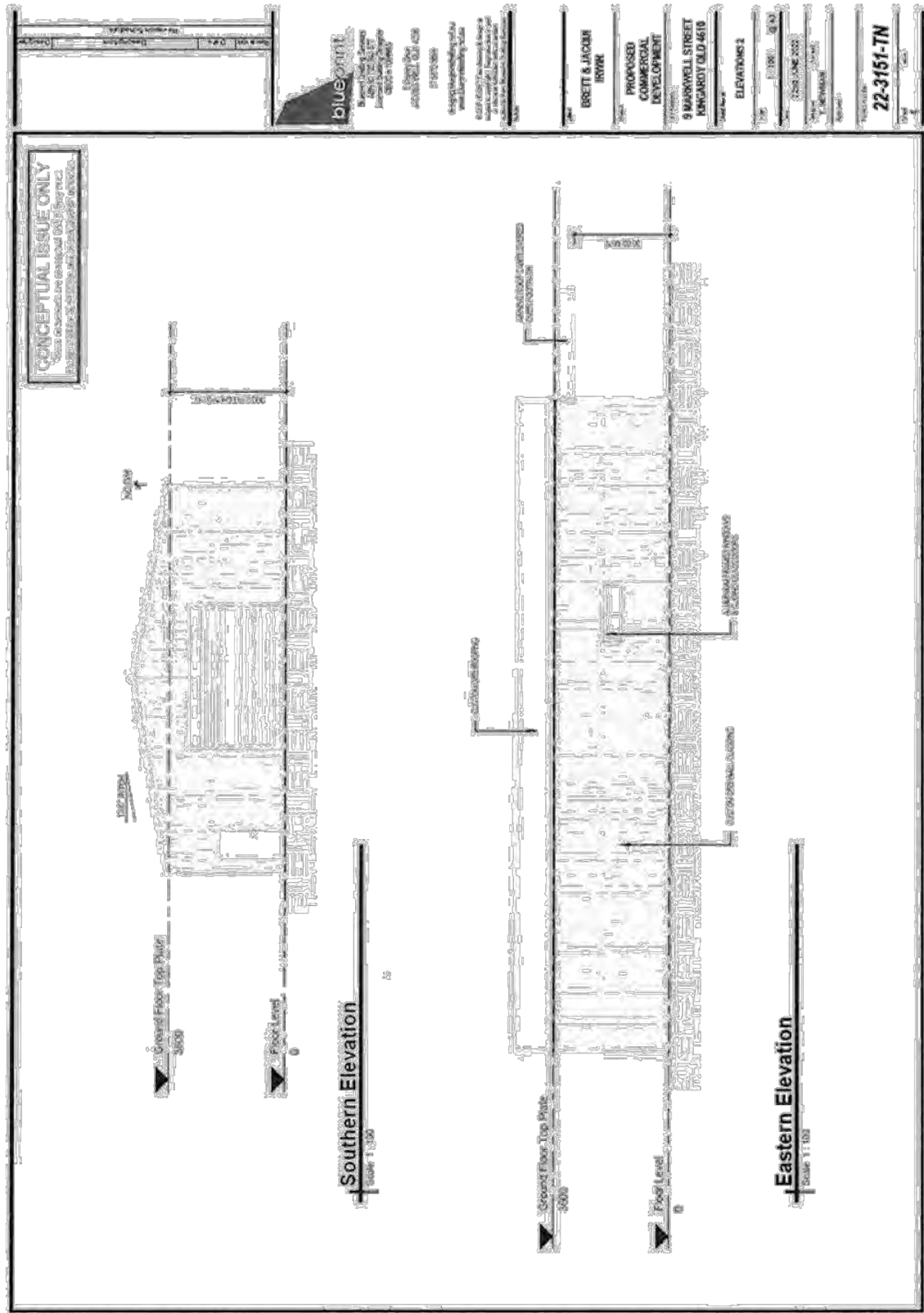
Northern Elevation
Scale: 1/8"



Western Elevation
Scale: 1/8"

Delegated Authority

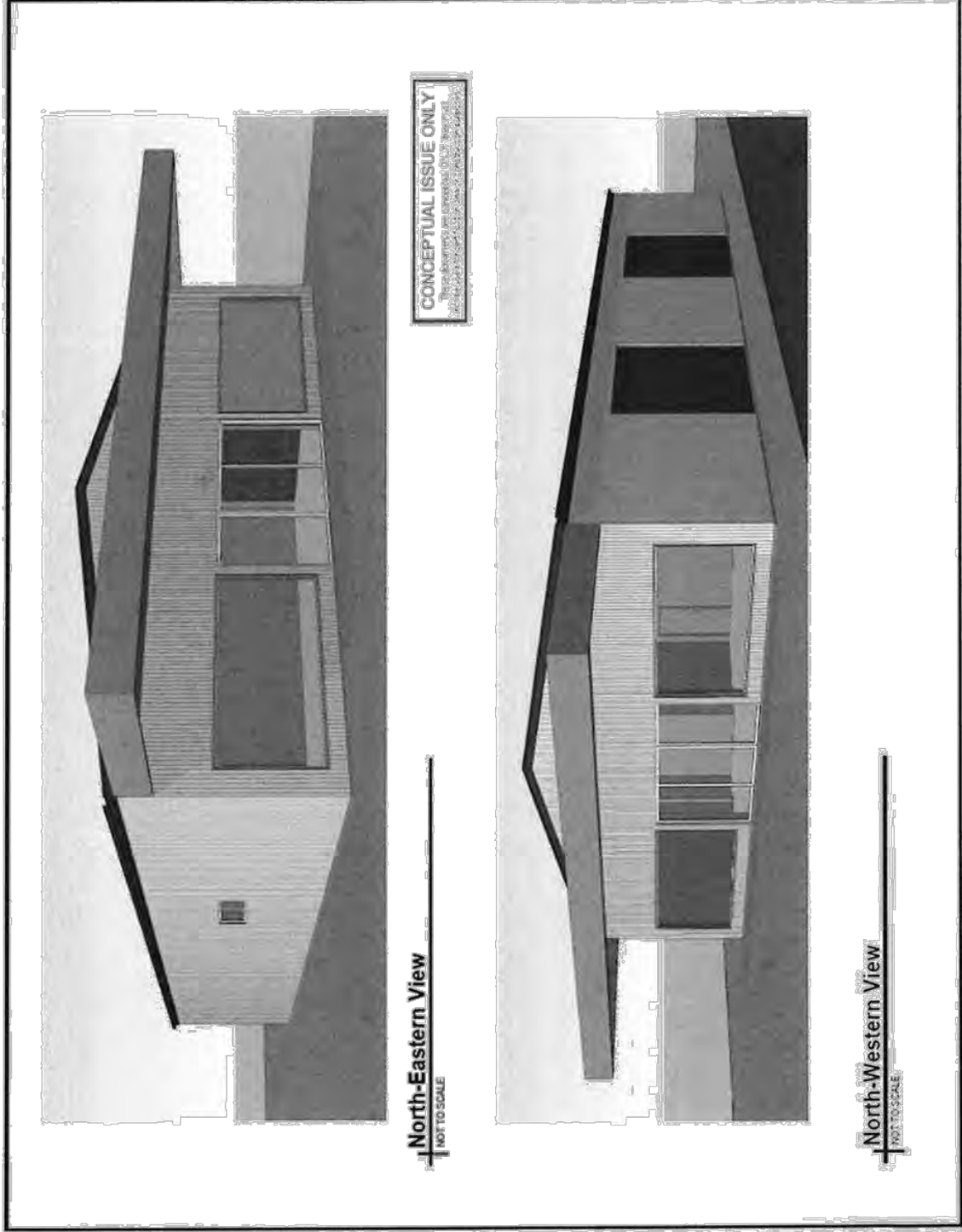
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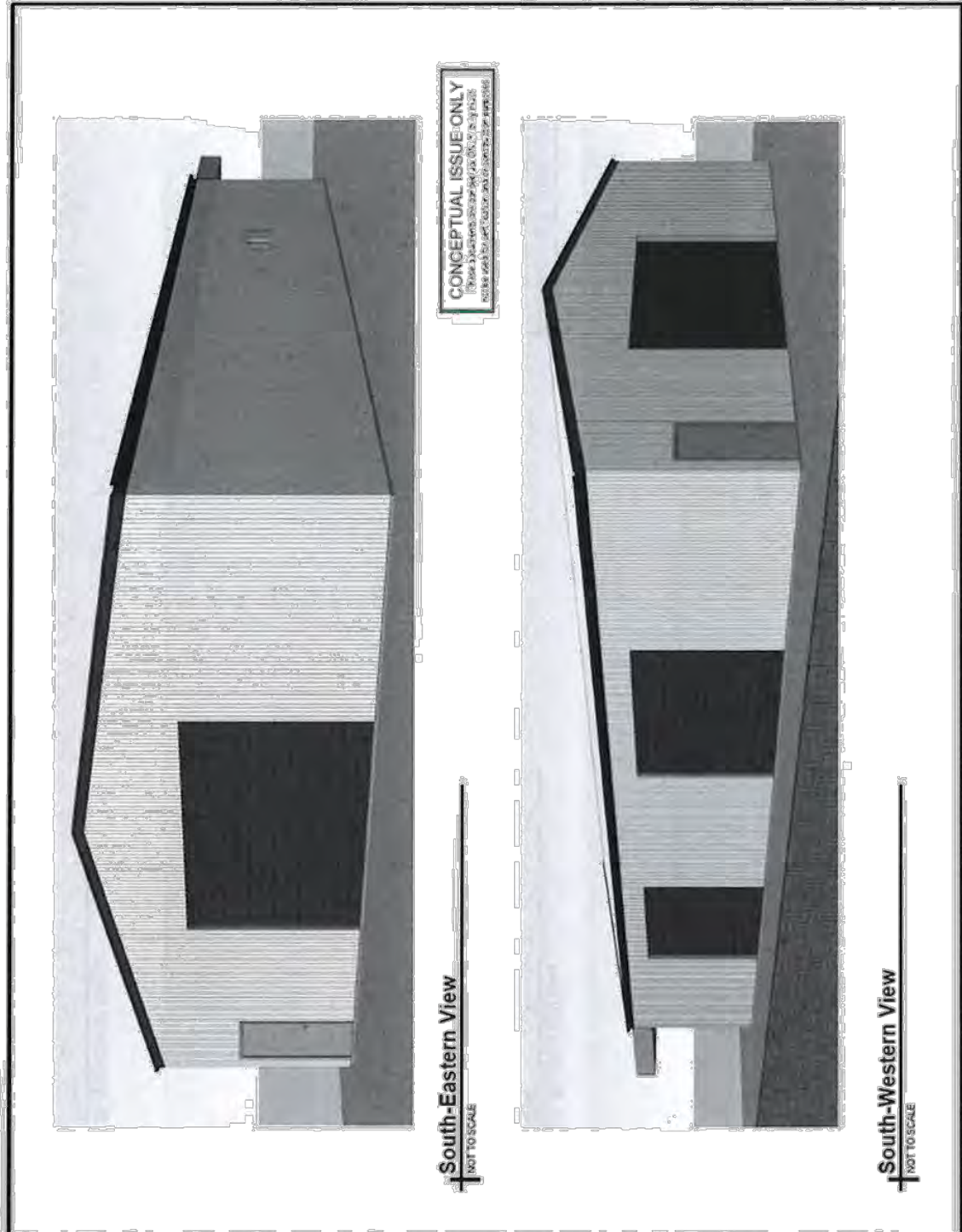
 blueprint Shelby County, Tennessee 400 N. 2nd St., 2nd Floor Cincinnati, TN 37203 615.251.1000	Project Name: 22-3151-TN Project No.: 22-3151-TN Project Date: 22nd June 2022 Project Status: NOT TO SCALE - 3D AN Project Location: 9 MARSHALL STREET KINGSDRY OLD 4610 Project Number: 33192815 1 Project Name: BRETT & JACQUI IRVIN Project Name: PROPOSED COMMERCIAL DEVELOPMENT
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Delegated Authority

Date:

 <p>blueprint Architectural & Engineering 1000 Lakeshore Drive Suite 100 Burlington, ON L7R 4A8 Tel: 905.335.1111 Fax: 905.335.1112 www.blueprint.ca</p>	<p>BRETT & JACQUI IRWIN</p> <p>PROPOSED COMMERCIAL DEVELOPMENT</p> <p>9 MARKWELL STREET KINGCAROL OLD 4610</p> <p>3D VIEWS 2</p> <p>NOT TO SCALE @ 1/8"</p> <p>27th JUNE 2022</p> <p>J. McMANUS</p> <p>22-3151-7N</p> <p>6</p>
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Delegated Authority

Date

REPORT

The applicant seeks approval for a development permit for a Material Change of Use – Showroom.

APPLICATION SUMMARY	
Applicant:	B & J Irwin ATF The Irwin Investment Trust C/- ONF Surveyors
Proposal:	Material Change of use (Showroom)
Properly Made Date:	29 September 2022
Street Address:	9 Markwell Street Kingaroy
RP Description:	Lot 5 on RP7915
Assessment Type:	Code
Number of Submissions:	N/A
State Referral Agencies:	N/A
Referred Internal Specialists:	Development engineer

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

PROPOSED DEVELOPMENT	
Proposed Development:	Showroom to display and sale of All-Terrain Vehicles (ATV), Utility Terrain Vehicles (UTV) and mowers
Variations Sought:	Nil
Level of Assessment:	Code
Area to be used:	The proposal incorporates a counter lever awing over the footpath that is offset 0.5m from the kerb, a showroom (109.6m ²) and storage area (133.6m ²).
Impervious Area:	Was not provided.
Site Cover:	The proposed building will have a total gross floor area (GFA) of 243m ² and the area of the site is 1012m ² resulting in a site coverage of 24%.
Car Parking Spaces:	A total of 6 car parks including 1 PWD carpark is proposed at the rear of the subject site. No on-site parking for an articulated vehicle (AV) can be accommodated due to the size of the subject site.
Service Vehicle Provision:	A Medium Rigid Body Service Vehicle is able to manoeuvre on site as shown on the Service Vehicle Turning Path plan.
Submissions Received:	N/A
Decision Making Period Ends:	18 November 2022

Delegated Authority

Date:

SITE DETAILS:

SITE AND LOCALITY DESCRIPTION		
Land Area:	1012m ²	
Existing Use of Land:	The subject site is currently vacant following the recent removal of a dwelling from the site.	
Road Frontage:	Approx. 21m	
Road/s	Road Hierarchy	
Markwell Street	Street	
Easements	Nil	
Significant Site Features:	Nil	
Topography:	Flat	
Surrounding Land Uses:	Land Use	Zone/Precinct
North	Kingaroy RSL	Principal Centre
South	Retail – Betta Home Living	Principal Centre
East	Storage Shed – Kingaroy RSL	Principal Centre
West	Retail – Ollies Mowers	Principal Centre
Services:	Water, Sewerage, Electricity and Telecommunications.	

Background / Site History

APPLICATION NO.	DECISION AND DATE
Not applicable	The subject site is currently vacant following the removal of a dwelling house from the site. The site was levelled on completion of the removal and the existing access point on Markwell Street on the eastern side of the site is to be retained.

PRELODGE MENT

The applicant sought advice on the proposal from Council prior to the lodgement of this development application.

DESCRIPTION OF THE DEVELOPMENT

The proposed Showroom is for the display and sale of All-Terrain Vehicles (ATV), Utility Terrain Vehicles (UTV) and mowers. A Showroom is defined as a premises used for the sale of goods that are of- (a) a related product line; and (b) a size, shape or weight that requires-

- (i) a large area for handling, display or storage; and
- (ii) direct vehicle access to the building that contains the goods by members of the public, to enable the loading and unloading of the goods.

A single-story building is proposed, and the building will be built to the street alignment.

- Building entrances will be clearly visible from the Markwell Street frontage.
- An awning with a 3m vertical clearance is proposed over the existing footpath at the frontage of the site, as shown on plans submitted as part of the application.
- The building length does not exceed 30m.
- A screened refuse storage area is proposed at the rear of the site.

Development details summary	
showroom	109.6m ² with storage area 133.6m ²
GFA	243m ²
Site coverage	24%

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Delegated Authority	Date:
Access	As per existing location but widened to 5.5m with splays to a total width of 8m within the Markwell Street kerb.
parking	6 car parks including 1 PWD carpark is proposed at the rear
Servicing	No on-site parking for an articulated vehicle (AV) can be accommodated due to the size of the subject site. A Medium Rigid Body Service Vehicle is able to manoeuvre on site
	An existing sewer main located through the middle of the subject site dictates the size and position of the new building.
	Stormwater discharge from the development is to be directed toward the Markwell Street frontage, being the lawful point of discharge.

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:

PLANNING REGULATION 2017 DETAILS	
Assessment Benchmarks:	<p><i>Section 26 – Assessment Benchmarks generally</i></p> <p><i>(1) For section 45(3)(a) of the Act, the code assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.</i></p> <p><i>(2) Also, if the prescribed assessment manager is the local government, the code assessment must be carried out against the following assessment benchmarks—</i></p> <p><i>(a) the assessment benchmarks stated in—</i></p> <p><i>(i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and</i></p> <p><i>(ii) the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and</i></p> <p><i>(iii) a temporary State planning policy applying to the premises;</i></p>

Delegated Authority

Date:

	<p><i>(b) if the local government is an infrastructure provider—the local government's LGIP.</i></p> <p><i>(3) However, an assessment manager may, in assessing development requiring code assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.</i></p>
Adopted Economic Support Instrument	<p>Under section 68E of the Planning Regulation 2017 that on 24 February 2021, South Burnett Regional Council adopted an economic support instrument. The instrument is in effect until 31st December 2023.</p> <p>Economic support provisions</p> <p>4.1. The instrument applies the following provisions in accordance with section 68D(1) of the <i>Planning Regulation 2017</i>:</p> <p>4.1.1. Part 8B, Division 3 – Development that requires code assessment;</p> <p>4.1.2. Schedule 6, Part 2, Section 7A – Particular material change of use involving an existing building; and</p> <p>4.1.3. Schedule 6, Part 2, Section 7B – Material change of use for home-based business in particular zones.</p>
WBB Regional Plan Designation:	<p>Urban - Land within the Urban Footprint is intended to accommodate the full range of normal urban uses, such as housing, industry, business, infrastructure, community facilities and urban open spaces.</p>

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
Zone:	Principal Centre Zone
Precinct:	Not applicable
Consistent/Inconsistent Use:	Consistent
Assessment Benchmarks:	Principal Centre Zone Code – Section 1 Services and Works Code

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:

PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME
6.2.3 Principal Centre Zone Code	
PO6 Pedestrian safety is enhanced by appropriate access arrangements	<p>AO6.2 – non-compliant.</p> <p>The applicant proposes a 5.5m wide extended crossover to the existing access (8.0m with splays) for the site to be accessible for appropriate servicing vehicles. The maximum design vehicle is a Medium Rigid Vehicle for the site given the constraints with existing access and site area. The wider crossover is acceptable and will have no planning consequence to the streetscape of the Centre Zone. It will ensure a safe and efficient arrangement for vehicle access and maintains pedestrian movements along Maxwell Street frontage.</p>

Delegated Authority	Date:
The proposal is assessed to meet the Performance Outcome.	
9.4.2 Services and Works Code	
<p>PO6 Vehicle parking and access is provided to meet the needs of occupants, employees, visitors and other users.</p>	<p>AO6.1 is not strictly compliant however is agreed to be assessed as follows for this proposal.</p> <p>The development will provide sufficient space on site for vehicle parking and manoeuvring areas. In accordance with Table 8.4.5, a Showroom requires 1 space per 20m2 for the first 2,000m2 .</p> <p>This equates to 6 spaces being required for the Showroom component of the proposal, being 109.6m2 GFA. The remaining GFA proposed is for storage of stock associated with the Showroom.</p> <p>AO6.2 The development does not comply with this acceptable outcome requiring a service bay on-site for an AV.</p> <p>Given the existing area and dimensions of the site, a service bay on site is not provided as manoeuvring for an articulated vehicle (AV) is not fully achievable on site. (An AV is prescribed under Table 8.4.5 of the SBRC Planning Scheme for a Showroom Use). Manoeuvring for a Medium Rigid Vehicle (MRV) is achievable and demonstrated on a Service Vehicle Turning Path Plan submitted as part of the application.</p> <p>Given Markwell Street is prescribed as a low order road, the same arrangement could apply for the proposed development.</p> <p>As such, the application is assessed to meet the Performance Outcome</p>

Local Categorising Instrument - Variation Approval

Not applicable.

Local Categorising Instrument - Temporary Local Planning Instrument

Not applicable.

Local Categorising Instrument – Adopted Economic Support Instrument

Not applicable to this proposal which is for a new building in the Principal Centre Zone and is not a home-based business.

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

There are no referral agencies under the Planning Regulation for this application.

Other Referrals

INTERNAL SPECIALIST	REFERRAL / RESPONSE
Development Engineer	Development Engineer reviewed application and provided engineering conditions and Infrastructure Charges Notice.
Infrastructure Charges Unit	<p>Council adopted the LGIP on 24 June 2019 which commenced on 1 July 2019.</p> <p>The types of development that may trigger the issuing of an infrastructure charges notice are:-</p> <ul style="list-style-type: none"> a) Reconfiguring a lot b) Material change of use; c) Carrying out building work. <p>Credits are applied for existing use.</p> <p>Refer to the infrastructure charges notice as Attachment B.</p>

CONCLUSION AND RECOMMENDATION:

Overall, it has been demonstrated that the proposal is in accordance with South Burnett Planning Scheme 2017 in so far that the proposal:

- is in accordance with the purpose and relevant overall outcomes, acceptable outcomes and performance outcomes of the Principal Centre Zone Code;
- is in accordance with the acceptable outcomes and where relevant performance outcomes of the applicable Servicing and Works Code; and
- will not have any adverse impacts on surrounding Principal Centre zoned land or the envisaged outcomes for development of surrounding sites.
- Servicing for an AV can be managed appropriately within the Maxwell Street frontage which will occur on an irregular basis, without a planning consequence on traffic movement or safety within the road corridor. On site manoeuvring is achieved for an MRV which is the accepted design vehicle for servicing this site.

Based on the assessment of this application there are no grounds to warrant the refusal of this application and it is recommended that the proposed development be approved subject to reasonable and relevant conditions.

Delegated Authority

Date:

ATTACHMENTS

1. **Attachment A - Statement of Reasons**
2. **Attachment B - Infrastructure Charges Notice**

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Page

19.3 LIST OF CORRESPONDENCE PENDING COMPLETION OF ASSESSMENT REPORT**File Number:** 30/11/2022**Author:** Senior Planner**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**Reconfiguration of a lot (RAL) applications**

1. RAL22/0008 – Reconfiguration of a Lot – Subdivision (1 lot into 3 lots) at 272 Mount McEuen Road, Mount McEuen
2. RAL22/0011 – Easement associated with MCU22/0004 at 79 Zerners Road MURGON
3. RAL22/0013 – Reconfiguration of a Lot – Subdivision (1 Lot into 20 Lots and New Road) at Fairway Drive NANANGO
4. RAL22/0017 – Reconfiguration of a Lot – Subdivision (1 Lot into 4 Lots and 2 Access Easements) at 23-25 Millis Way NANANGO
5. RAL22/0022 – Reconfiguration of a Lot – Subdivision (1 Lot into 8 Lots and an access easement within proposed lot 5) at 197 Taylors Road, KINGAROY
6. RAL22/0023 – Reconfiguration of a Lot – Subdivision (1 Lot into 2 Lots) at 58 Malar Road, BOOIE
7. RAL22/0027 – Reconfiguration of a Lot – Subdivision (1 lot into 31 lots) at Kelvyn Street, KINGAROY (Not yet properly made)
8. RAL22/0028 – Reconfiguration of a lot – Subdivision (1 Lot into 2 Lots) at 1304 Wattlegrove Road, WATTLEGROVE
9. RAL22/0029 – Reconfiguration of a lot – Subdivision (1 Lot into 23 Lots) at McGinley Road, NANANGO
10. RAL22/0030 – Reconfiguration of a lot – Subdivision (1 Lot into 7 Lots over two (2) stages) at 31 Heights Road, GLAN DEVON
11. RAL22/0031 – Reconfiguration of a lot – Boundary Realignment (2 lots into 2 lots) at Borcherts Hill Road & Bunya Highway, MURGON
12. RAL22/0032 – Reconfiguration of a lot – Boundary Realignment (6 lots into 5 lots) at 12 Arthur Street East, NANANGO
13. RAL22/0034 - Reconfiguration of a lot – Boundary Realignment (2 lots into 2 lots) at 362 Mondure Wheatlands Road, MONDURE
14. RAL22/0038 - Reconfiguration of a lot – Subdivision (1 Lot into 2 Lots) at 122 Greenhills Drive, BLACKBUTT
15. RAL22/0040 - Reconfiguration of a lot – Subdivision at Sarum Road, IRONPOT

16. RAL22/0041 - Reconfiguration of a lot – Subdivision (1 Lot into 2 Lots) at 64 Boat Mountain Road, MURGON

Material Change of Use (MCU) Applications

1. MCU20/0017 – Material Change of Use – Service Station/Food & Drink Outlet/Showroom at Rogers Drive KINGAROY
2. MCU21/0017 – Material Change of Use – Expansion of the existing piggery (57,000SPU) at 592 Morgans Road, WINDERA (and described as Lot 49 on MZ555 & Lot 203 on SP251979)
3. MCU21/0019 – Other Change to Existing Approval - Material Change of Use (Master Planned Community and Development Permit for Reconfiguration of a lot (1 lot into 6 lots plus parkland dedication) at Corner Bunya Highway & Taylors Road KINGAROY
4. MCU22/0004 – Extractive Industry and Easement at 79 Zerners Road MURGON
5. MCU22/0009 – Intensive Animal Industry at 97 Schloss Road CUSHNIE
6. MCU22/0011 – Motorsport and Ancillary Facilities and Caretakers' Residence and ERA (63) for Sewerage Treatment at Lewis Duff Road BALLOGIE
7. MCU22/0017 – Re-sited Secondary Dwelling at 80 King Street, NANANGO
8. MCU22/0018 – Agricultural supplies store and Special Industry (Manufacturing fertiliser) and concurrent ERA 7 (Chemical Manufacturing) at 107 River Road, KINGAROY
9. MCU22/0021 – Material Change – Granny flat at 65 Hazeldean Road, SOUTH NANANGO
10. MCU22/0022 - Material Change of use – Use of secondary dwelling for short-term accommodation at 17 Fork Hill Drive, Moffatdale
11. MCU22/0023 – Material change of use – Extension to educational establishment at 84 – 94 Ivy Street, Kingaroy
12. MCU22/0024 - Material change of use -Showroom at 9 Markwell Street, Kingaroy
13. MCU22/0025 – Material Change of use – Proposed dwelling house at Bunya Avenue, Bunya Mountains
14. MCU22/0027 – Other change – Other change to multiple dwelling units at 44 Markwell Street, Kingaroy
15. MCU22/0029 – Material Change of use – Telecommunications Facility at Redmans Road, COOLABUNIA
16. MCU22/0030 – Minor Change – Reduction in use Areas associated with Extractive Industry and Revised site layout with Use Areas identified for Extractive Industry at 1304 Wattlegrove Road, WATTLE GROVE
17. MCU22/031 – Minor Change – Amendment to condition ENG10 at 125 Lewis Duff Road, BALLOGIE
18. MCU22/0032 – Minor Change – Amendment to condition GEN1 & GEN4 at 12472 Bunya Highway, WOOROOLIN

Operational Works (OPW) Applications

1. OPW22/0007 – Operation Works – Road Work at Mondure Wheatlands Road MONDURE
2. OPW22/0012 – Operational works – Roadworks, Stormwater and Earthworks at Oliver Road, NANANGO
3. OPW22/0013 – Operational works – Roadworks, Drainage works, landscaping, stormwater, earthworks, water infrastructure and sewerage infrastructure at Kelvyn Street, Kingaroy
4. OPW22/0016 – Operational works – Roadworks, Stormwater, Earthworks 241 Izzards Road, SOUTH NANANGO

ATTACHMENTS

Nil

ATTACHMENTS

Nil

20 CONFIDENTIAL SECTION

OFFICER'S RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 254J of the *Local Government Regulation 2012*:

20.1 Financial Hardship Rates Application – Assessment Number -20657-00000-000

This matter is considered to be confidential under Section 254J - d of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

20.2 Request for waiver of rates - Murgon Pastoral, Agricultural & Horticultural Society

This matter is considered to be confidential under Section 254J - d of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

21 CLOSURE OF MEETING