

Delegated Authority

Part	Matter	Applicability to this Development Application	Prohibited Development	Assessable Development	Referral Agency	Assessment Benchmarks / Matters to be assessed against
14	Reconfiguring a Lot under the Land Title Act	N/A		N/A	N/A	N/A
15	SEQ Development Area	N/A		N/A	N/A	N/A
16	SEQ Regional Landscape and Rural Production Area and Rural Living Area: - Community Activity - Indoor Recreation - Residential Development - Urban Activity	N/A	N/A	N/A	N/A	N/A
16A	Southport Spit	N/A	N/A			
17	Tidal Works or Work in a Coastal Management District	N/A		N/A	N/A	N/A
18	Urban Design	N/A			N/A	N/A
19	Water Related Development: - Taking or interfering with water - Removing quarry material - Referral dams - Levees	N/A N/A N/A N/A		N/A	N/A	N/A
20	Wetland Protection Area	N/A	N/A	N/A	N/A	N/A
21	Wind Farms	N/A		N/A		N/A

Based on the findings in Table 3 it has been concluded that the application required referral to a Referral Agency in accordance with Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 of the *Planning Regulation 2017*.

The purpose of this section is to ensure the reconfiguration supports convenient and comfortable walking for transport, recreation, leisure and exercise in the locality of the lot. The following comments address the Assessment Benchmarks of the Planning regulations for the Reconfiguration of a Lot proposal. This is despite the fact that the proposed development does not result in extending or creating a road.

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4.3. STATE PLANNING POLICY

The State Planning Policy (July 2017) (SPP) commenced on the 3 July 2017 and is effective at the time of writing this report. The Planning Regulation 2017 (PR 2017) states the assessment must be carried out against the assessment benchmarks stated in Part E of the State Planning Policy to the extent Part E is not appropriately integrated into the planning scheme.

In accordance with section (8)(4)(a) of the Act, the State Planning Policy applies to the extent of any inconsistency with the Planning Scheme.

State Planning Policy Part E	
Liveable communities and housing	No applicable assessment benchmarks
Economic growth <ul style="list-style-type: none"> • Agriculture. • Development and construction. • Mining and extractive resources. • Tourism. 	No applicable assessment benchmarks
Planning for the environment and heritage. <ul style="list-style-type: none"> • Biodiversity. • Coastal environment. • Cultural heritage. • Water quality 	No applicable assessment benchmarks
Safety and resilience to hazards <ul style="list-style-type: none"> • Emissions and hazardous activities. • Natural hazards, risk, and resilience. 	<p>Natural hazards, risk and resilience.</p> <p>The site is mapped by State Policy mapping as bushfire hazard area. As such, a site-specific report has been prepared by a suitably qualified person to ground truth the bushfire hazard mapping and apply site-based data to assess bushfire risk.</p> <p>The submitted report has appropriately addressed the State planning methodology for calculating bushfire hazard and risk and the outcomes of that report find that the subject site and proposed reconfiguration of that lot can suitably address bushfire hazard and risk.</p> <p>On this basis, and as per conditions of approval and in accordance with the approved bushfire hazard report the development can be approved subject to conditions.</p>
Infrastructure <ul style="list-style-type: none"> • Energy and water supply. • Infrastructure integration. • Transport infrastructure. • Strategic airports and aviation facilities. • Strategic ports. 	<p>Complies.</p> <p>All appropriate residential services infrastructure and connections can be made and are conditioned as part of the approval.</p>

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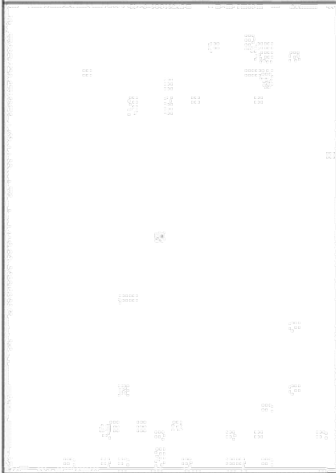
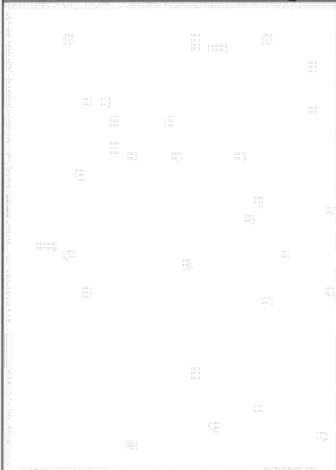
4.4. DEVELOPMENT CODE ASSESSMENTS

Rural Residential Zone Code	Overall Outcomes, Performance Outcomes, Acceptable Outcomes	Responses
	Overall Outcomes 6.2.14.2(2)	<ul style="list-style-type: none"> • a- Lot design consistent with that anticipated for Rural Residential Amenity (large block well separated dwellings). • c- Regional of concern vegetation retained on large lots (minimal fragmentation). • d- Bushland retained as stated in 'c' above. • e- Manmade hazards not indicated on site. • f- Applicant advised site not on contaminated land register. • g- Site not within proximity of Swickers Factory. • h- Approval package to include conditions for provision of potable water, firefighting water, and wastewater treatment. • i- Land sufficiently buffered from nearby rural use. • j- Site is not affected by Agricultural Land Classification A or B, areas retaining regionally significant Biodiversity are preserved. • k & l – not applicable proposal is for a subdivision (residential uses anticipated).
Section 1		
	Acceptable Outcome (AO1.1)	Complies – Lots Sizes sufficiently provide for intended uses post seal/title of the subdivision.
	Acceptable Outcome (AO1.2)	
	Acceptable Outcome (AO1.3)	
	Acceptable Outcome (AO1.4)	
	Acceptable Outcome (AO1.5)	
	Acceptable Outcome (AO1.6)	
	Acceptable Outcome (AO2.1)	Complies – proposed lots and existing rural land fronting Parsons Rd is separated by a 29m wide road reserve. This exceeds typical buffer widths imposed on other Rural Residential subdivisions adjoining Rural Land.
	Acceptable Outcome (AO3.2)	Complies – the development will be conditioned to <u>install</u> or <u>has</u> the following: <ul style="list-style-type: none"> • 45kl potable water tank for each lot within 10m of the main dwelling. • Onsite wastewater treatment system that confirms to QLD Plumbing & Wastewater Code.
	Acceptable Outcome (AO3.3)	
	Acceptable Outcome (AO3.4)	

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	Acceptable Outcome (AO3.5)	<ul style="list-style-type: none"> Electricity and telecommunications. Suitable stormwater discharge system. Direct access to a sealed road.
	Acceptable Outcome (AO3.6)	
	Acceptable Outcome (AO4.1)	Complies - applicant has advised that development site will not occur on land that poses a health risk
Section 2		
	Acceptable Outcome (AO5.1)	Complies – site investigations and assessment of aerial mapping indicates that nearby agricultural uses do not involve intensive animal industry (appears related to cropping).
Section 3 Home Based Business (not applicable, proposal is for a subdivision).		
Section 4 Secondary Dwelling (not applicable, proposal is for a subdivision).		
Section 5 Development Affected by an Overlay		
	Acceptable Outcome (AO12.3)	<p>Complies – applicant commissioned an ecological assessment produced by 'Range Environmental Consultants'. Range Environmental's recommendations included the following:</p> <ul style="list-style-type: none"> Reduce lot yield down to 5 to take pressure off existing natural features. Locate majority of building envelopes within areas mapped as containing category X vegetation. Implement building envelopes to minimise need to pursue exemptions for clearing vegetation mapped as of concern. <p>It is determined that recommendations made by <i>Range Environmental Consultants</i> protects existing environmental values (adjacent to the development) to the greatest extent practical.</p>
	Acceptable Outcome (AO13.1)	Not Applicable – development site does not adjoin a park.
	Acceptable Outcome (AO14.1)	Complies – the proposed subdivision will incorporate building envelopes in areas least affected by natural landscape features.
	Acceptable Outcome (AO14.2)	Complies – the proposed subdivision will incorporate building envelopes in areas least affected by natural landscape features. All building envelopes nominated on the subdivision plan are clear of 'potential drainage way' (possibly redundant/natural drainage coursing north-east across D'Aguiar Hwy).
	Acceptable Outcome (AO14.3)	Not Applicable – site is not affected by waterways mapped on OM5.
	Acceptable Outcome (AO15.3 & AO17.1)	<p>Complies – applicant commissioned a bushfire management report produced by 'Range Environmental Consultants'. Range Environmental noted the following:</p> <ul style="list-style-type: none"> Building envelopes are generally located outside the medium hazard bushfire mapping.

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		<ul style="list-style-type: none"> Was determined to comply with State Planning Policy development assessment requirements (natural hazards risk & resilience mapping - bushfire) in terms of: <ul style="list-style-type: none"> Appropriate access/escape. Appropriate separation from mature canopy (more than 1.5 time the distance of maximum tree height). Appropriate Bushfire Attack level (BAL -12.5 due to adequate separation between dwelling and mature vegetation). Sufficient water be stored on site for fire fighting purposes. <p>It is determined that recommendations made by <i>Range Environmental Consultants</i> should be referred in the approval conditions.</p>
Reconfiguring a Lot Code	Overall Outcomes, Performance Outcomes, Acceptable Outcomes	Responses
	Overall Outcomes 8.4.1.2	<ul style="list-style-type: none"> a- The Rural Residential Lots are suitable for their intended purpose. b- Proposed lot layout is consistent intended design outcomes for the Rural Residential Zone. d- The development does not remove valued agricultural land. e- Environmentally significant areas are preserved and located on larger allotments. f- Development will access existing road networks (roads are constructed). h- approval package to include conditions for provision of potable water, firefighting water, and wastewater treatment.
Section 1 Boundary Realignment (not applicable, proposal is for a subdivision 1 into 5 lots).		
Section 2 Reconfiguration under a Community Title Scheme (not applicable, proposal is for a subdivision 1 into 5 lots).		
Section 3 All other reconfiguration		
	Acceptable Outcome (AO7.1)	Complies – the development proposes 5 lots with areas, shape, and widths in accordance with Table 8.4.2 of this code.
	Acceptable Outcome (AO7.2)	Not Applicable – rear access lots are not proposed.
	Acceptable Outcome (AO7.1)	Complies – all lots can accommodate a large building envelope as shown on the approved subdivision plan.
	Acceptable Outcome (AO8.1)	Complies – <ul style="list-style-type: none"> a- all lots have direct access to a constructed road. b & c are not relevant.
	Acceptable Outcome (AO8.2)	Not Applicable – DTMR concurrence agency has accepted continued use of an existing access via D'Aguilar Hwy.
	Acceptable Outcome (AO8.3)	Not Applicable – site is Rural Residential (all lots access a constructed road).

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	Acceptable Outcome (AO9)	Not Applicable.
	Acceptable Outcome (AO10.1 to AO10.3)	Not Applicable.
	Acceptable Outcome (AO10.4 & AO10.5)	Complies – Development can be conditioned for drainage in the road reserve.
	Acceptable Outcome (AO11.1)	Not Applicable.
	Performance Outcome (PO12)	Complies – proposal is considered to have an appropriate access to walking/cycling networks (in terms of a local context).
	Acceptable Outcome (AO13.1)	Not Applicable.
	Acceptable Outcome (AO14.1)	Not Applicable.
Section 4 All reconfiguring a lot subject to an overlay		
Agricultural Land	Acceptable Outcome (AO16.1 & AO16.2).	Not Applicable.
Airport Environs	Acceptable Outcome (AO17.1).	Not Applicable
Biodiversity	Acceptable Outcome (AO18.2 & AO18.3).	Refer to response to Rural Residential Zone Code
Bushfire Hazard	Acceptable Outcome (AO19.3)	Refer to response to Rural Residential Zone Code
Flood Hazard	Acceptable Outcome (AO20.1 & AO21.1)	Not Applicable
Regional Infrastructure	Acceptable Outcome (AO22.1)	Complies – Ergon Energy (as advice agency) has issued an approval for development to occur within the power transmission corridor.
Waterways Wetlands & catchments	Acceptable Outcome (AO23)	Not Applicable
<i>Services and Works Code</i>	<i>Overall Outcomes, Performance Outcomes, Acceptable Outcomes</i>	<i>Responses</i>
	Overall Outcomes 8.4.2.2	Complies – development can be conditioned to comply with the code as outlined below.
Section 1 General		
	Acceptable Outcome (AO1.1)	Complies - development can be conditioned to comply (further submission to Council for approval of SBSMP).
	Acceptable Outcome (AO2.1)	Complies - development can be conditioned to comply – Future Dwellings to provide onsite sewerage system (likely advice).
	Acceptable Outcome (AO2.2)	Not Applicable – site does not contain a waterway or water body.
	Acceptable Outcome (AO3.1)	Complies – development is conditioned to comply refer to conditions package.
	Acceptable Outcome (AO4.1)	Complies – development is conditioned to comply (further submission to Council for approval of SBSMP).
Section 2 Infrastructure		
	Acceptable Outcome (AO5.1)	Complies – all development proposed has frontage to a constructed road.
	Acceptable Outcome (AO5.2)	Complies - development is conditioned to comply refer to conditions package.
	Acceptable Outcome (AO6.1)	Complies – Parking likely to comply with uses that are consistent with the Rural Residential Zone (lots have sufficient dimension).
	Acceptable Outcome (AO6.2)	Not Applicable

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	Acceptable Outcome (AO6.3)	Complies - development is conditioned to comply refer to conditions package.
	Acceptable Outcome (AO6.4)	Complies - development is conditioned to comply refer to conditions package.
Section 4 Landscaping (not considered relevant – development retains existing mature trees as required by SBRC Planning Scheme & State Planning Policy).		
Section 5 Filling & Excavation		
	Acceptable Outcomes (AO9.1 to AO9.6)	Complies – all relevant acceptable outcomes are conditioned to comply, refer to the conditions package.
	Acceptable Outcome (AO10.1)	Complies - Complies - development is conditioned to comply refer to conditions package.
	Acceptable Outcome (AO11.1)	Complies – development is conditioned to comply (further submission to Council for approval of SBSMP).
Section 6 All operational work subject to an overlay		
	Acceptable Outcome (AO12.2)	Complies – development is to be carried out in accordance with the ' <i>Range Environmental Consultant</i> ' environmental report.
	Acceptable Outcome (AO16.1)	Complies – Ergon Energy has imposed conditions regarding protection of its assets.

Applicant submitted reports	<ul style="list-style-type: none"> • Traffic Impact Assessment (Sight Distance Report) – ATC Consulting Engineers. • Ecological and Bushfire Management Report – Range Environmental Consultants.
Assessment considerations of merits	<ol style="list-style-type: none"> 1) Traffic Impact Assessment (Sight Distance Report) – ATC reviewed access to all lots proposed in the 13 June ONF information request response and made recommendations to ensure compliance with the SBRC Planning Scheme in terms of: <ol style="list-style-type: none"> a. Signage dealing with potentially hidden access locations from D'Aguilar Hwy & Parson Rd. b. Crossovers in the verge designed in accordance with SBRC's standard drawings. 2) Ecological and Bushfire Management Report – <ol style="list-style-type: none"> a. The 13 June ONF information request response acted upon ecological advice and: <ol style="list-style-type: none"> i. Reduced lot yield as shown in approved plans; and ii. Retained majority of mapped remnant vegetation within a larger lot; and iii. Placed building envelopes generally outside areas mapped as containing protected remnant vegetation. b. The bushfire management report includes a set of recommendations to ensure future uses retain appropriate Bushfire attack levels (BAL) via the following: <ol style="list-style-type: none"> i. Maintain appropriate setbacks to mapped medium bushfire hazard areas (i.e., at least 1.5 times tree canopy height) and; ii. Undertake necessary property maintenance ensuring fuel loads are minimal; iii. Review and determine access for fire fighting is appropriate. iv. Review and determine appropriate escape routes (via existing road system).' v. Retain sufficient volume of water on site (25 000 litres) for firefighting purposes.

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PLANNING DISCUSSION

- *ATC Consulting Engineers* – recommend ATC’s Sight Distance Report be referred to in the conditions of approval regarding signage dealing with potentially hidden access crossovers into the road reserve. NOTE – DTMR has also set conditions it was determined that SBRC’s traffic related conditions would not conflict with DTMR’s Concurrence Agency Conditions.
- *Range Environmental Consultants* – recommend Range’s Bushfire Management Report be referred to in the conditions of approval.

5. CONSULTATION

Referral Agencies

State Assessment and Referral Agency	Application was referred to SARA for the following: <ul style="list-style-type: none"> • Development site fronts a State Controlled Road - Department of Transport and Main Roads as Concurrence Agency. • Development site contains electricity transmission infrastructure – Ergon Energy as Advice Agency.
Other	N/A

Council Referrals

<i>INTERNAL REFERRAL SPECIALIST</i>	<i>REFERRAL / RESPONSE</i>
Development Engineer	Council’s Development Engineer provided comments in relation to Infrastructure Charges and Engineering Conditions.
Infrastructure Charges Unit	<p>Council adopted the LGIP on 24 June 2019 which commenced on 1 July 2019.</p> <p>The types of development that may trigger the issuing of an infrastructure charges notice are:</p> <ol style="list-style-type: none"> Reconfiguring a Lot; Making a Material Change of Use; Carrying out Building Work. <p>Refer to Attachment B for the Infrastructure Charges Notice.</p>

6. RECOMMENDATION

It is recommended that the code assessable application for a Development Permit for Reconfiguring a Lot (1 Lots into 5 Lots) be approved.

Infrastructure charges be levied under the SBRC AICR for this development category as the proposal results in an additional lots.

ATTACHMENTS

1. Attachment A - Statement of Reasons
2. Attachment B - Infrastructure Charges Notice
3. Attachment C - Approved Plans
4. Attachment D - SARA and TMR Referral Response
5. Attachment E - Ergon Referral Response

NOTICE ABOUT DECISION – STATEMENT OF REASONS

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

Applicant:	G Bailey & M Baylis C/- ONF Surveyors
Application No:	RAL22/0042
Proposal:	Development Permit for Reconfiguration of a Lot – Subdivision (1 Lot into 5 Lots)
Street Address:	D'Aguiar Highway, Nanango
RP Description:	Lot 120 on SP119862
Assessment Type:	Code Assessable
Number of Submissions:	N/A

On 31 July 2023 the above development was recommended for:

- Approval
 Refusal

1. Reasons for the Decision

The reasons for this decision are:

- The proposal is consistent with the overall outcomes for the Rural Residential Zone Code, Reconfiguring a Lot Code, and Services & Works Code.
- Final proposal successfully demonstrated compliance with overlay constraints known to exist on the development site.
- Reasonable and relevant conditions of approval can be imposed to ensure compliance with the South Burnett Planning Scheme 2017 requirements.
- The proposal presents no conflicts with the assessment benchmarks.

2. Assessment Benchmarks

The following are the benchmarks apply to this development:

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

3. Compliance with Benchmarks

The development was assessed against all the assessment benchmarks listed above and complies with all of these or can be conditioned to comply.

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

INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT:	G Bailey & M Baylis C/- O'Reilly Nunn Favier - ONF Surveyors PO Box 896 KINGAROY QLD 4610	
APPLICATION:	Reconfiguring a Lot (1 into 5 Lots)	
DATE:	30/08/2023	
FILE REFERENCE:	RAL22/0042	
AMOUNT OF THE LEVIED CHARGE: <i>(Details of how these charges were calculated are shown overleaf)</i>	\$17,676.00	Total
	\$0.00	Water Supply Network
	\$0.00	Sewerage Network
	\$9,640.00	Transport Network
	\$8,036.00	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 120 on SP119862	
SITE ADDRESS:	D'Aguiar Highway, Nanango	
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	-	-	-	-	-

Discounts*

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

Sewerage

Adopted Charges

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

Discounts*

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

Transport

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot (1 into 5)	5	allotments	\$2,410.00	CR Table 2.3	\$12,050.00

Discounts*

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

Parks and Land for Community Facilities

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot (1 into 5)	5	allotments	\$2,009.00	CR Table 2.3	\$10,045.00

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	-	-	-	-	-

Discounts*

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

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Reconfiguring a Lot (1 into 5)	\$0.00	\$0.00	\$9,640.00	\$8,036.00	\$0.00	\$17,676.00
Total	\$0.00	\$0.00	\$9,640.00	\$8,036.00	\$0.00	\$17,676.00

* 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

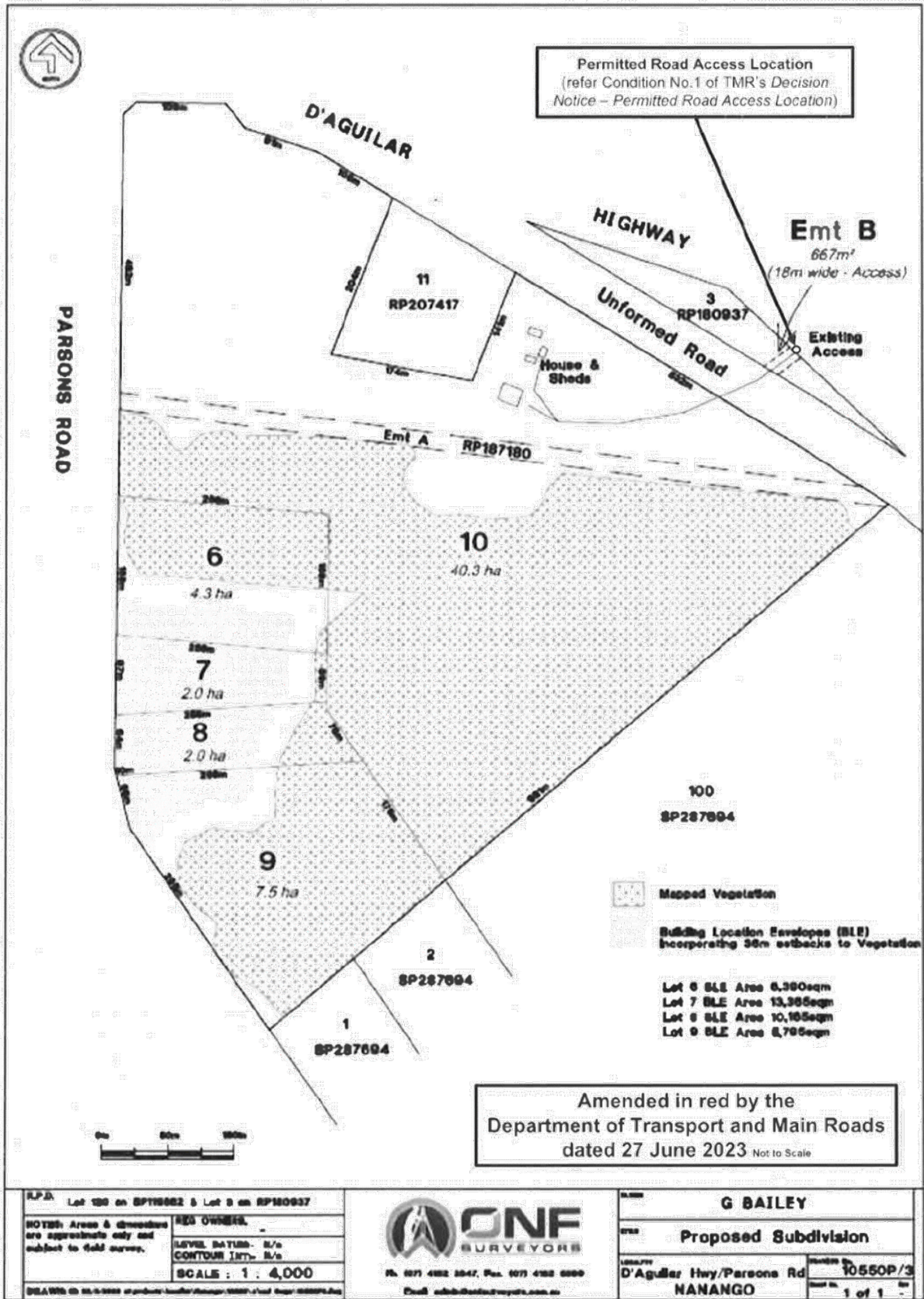
¹ 3-yearly PPI average is defined in section 114 of the *Planning Act 2016* and means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters. PPI Index is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge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

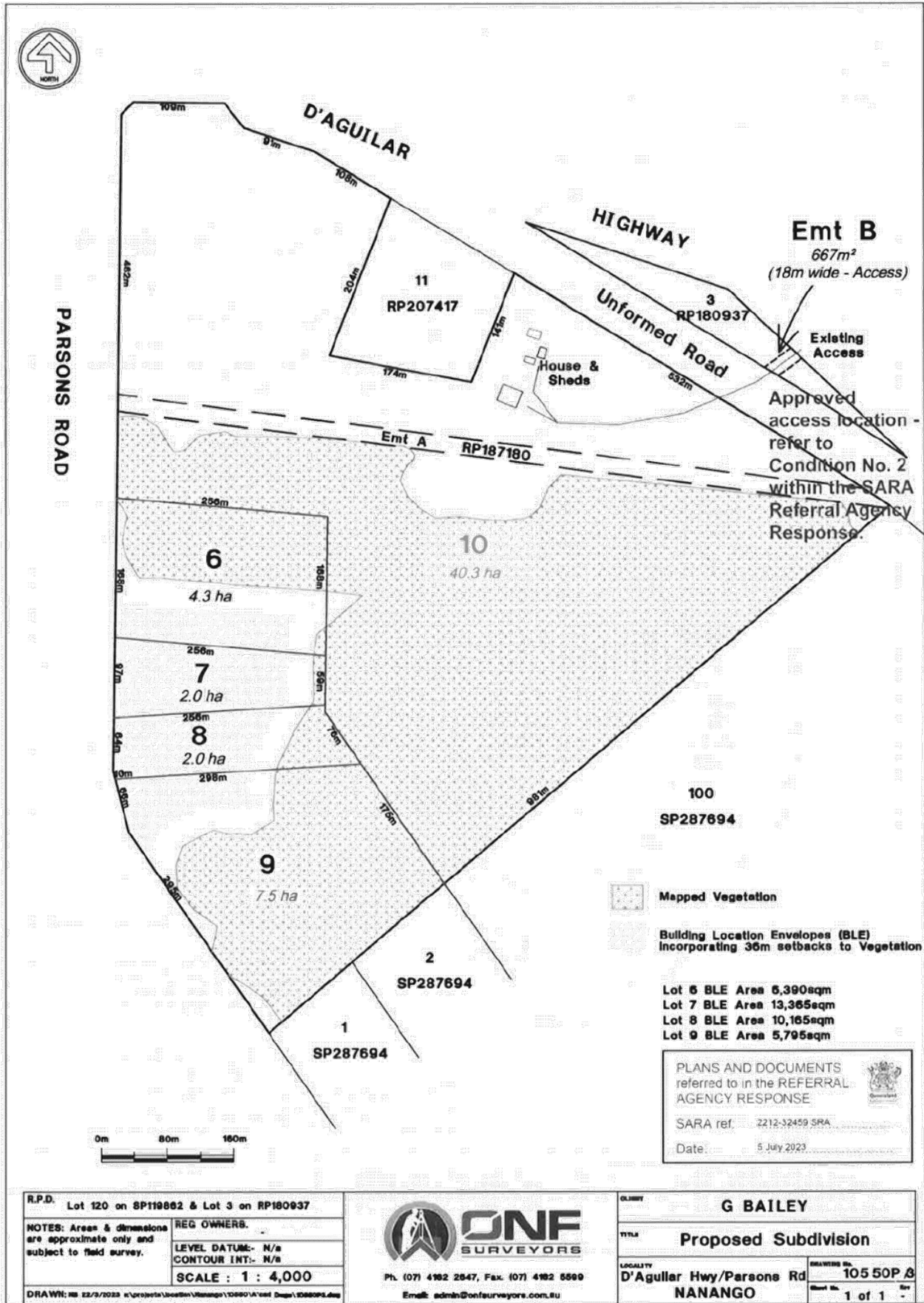
- 69 Hart Street, Blackbutt, 4314;
- 45 Glendon Street, Kingaroy, 4610;
- 42 Stephens Street West, Murgon, 4605;
- 48 Drayton Street, Nanango, 4615;
- McKenzie Street, Wondai, 4606; or
- via other methods identified on the Itemised Breakdown.

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



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 Version: 1, Version Date: 05/07/2023



R.P.D. Lot 120 on SP118862 & Lot 3 on RP180937	
NOTES: Areas & dimensions are approximate only and subject to field survey.	REG OWNERS.
	LEVEL DATUM:- N/A
	CONTOUR INT:- N/A
	SCALE : 1 : 4,000
DRAWN: NS 22/3/2023 c:\projects\location\Nanango\10890\A\est Dwg\10890PL.dwg	

ONE SURVEYORS

Ph. (07) 4982 2847, Fax. (07) 4982 5599
 Email: admin@one-surveyors.com.au

CLIENT	G BAILEY	
TITLE	Proposed Subdivision	
LOCALITY	D'Aguliar Hwy/Parsons Rd	DRAWING NO. 105 50P 8
	NANANGO	Sheet No. 1 of 1

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2212-32459 SRA

Date: 5 July 2023

Document Set ID: 3052073
 Revision: 1, Version Date: 05/07/2023



Our reference: 2212-32459 SRA
 Your reference: RAL22/0042
 Applicant reference: 10550K

5 July 2023

Chief Executive Officer
 South Burnett Regional Council
 PO Box 336
 KINGAROY QLD 4610
 info@southburnett.qld.gov.au

Dear Sir/Madam

SARA Response – D’Aguilar Highway, NANANGO

(Given under Section 56 of the *Planning Act 2016*)

The development application described below was confirmed as being properly referred to the State Assessment and Referral Agency (SARA) on 22 December 2022.

Response

Outcome:	Referral Agency Response under Section 56(1)(b) of the <i>Planning Act 2016</i>
Date of response:	4 July 2023
Conditions:	The approval is subject to the conditions in Attachment 1
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development Details

Description:	Development Permit for Reconfiguring a Lot (RAL) – 2 Lots into 6 Lots
SARA role:	Referral agency
SARA triggers:	Schedule 10, Part 3, Division 4, Table 2, Item 1 – clearing native vegetation (<i>Planning Regulation 2017</i>) Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot near a State-controlled road (<i>Planning Regulation 2017</i>)

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Wide Bay Burnett regional office
 Level 1, 7 Takalvan Street, Bundaberg
 PO Box 979, Bundaberg QLD 4670

Document Set ID: 3052073
 Version: 1, Version Date: 05/07/2023

2212-32459 SRA

Regulation 2017)

Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 –
Reconfiguring a lot near a State-controlled road intersection
(Planning Regulation 2017)

SARA reference: 2212-32459 SRA
Assessment Manager: South Burnett Regional Council
Street address: D'Aguilar Highway, NANANGO
Real property description: Lot 120 on SP119682 and Lot 3 on RP180937
Applicant name: G Bailey & M Baylis
Applicant contact details: C/- ONF Surveyors
 PO Box 896
 KINGAROY QLD 4610
 admin@onfsurveyors.com.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

State-controlled road access permit: This referral included an application for a road access location, under Section 62A(2) of the *Transport Infrastructure Act 1994*.

Below are the details of this decision:

- Approved – with conditions
- TMR22-038272
- Date: 29 June 2023

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads (DTMR) at Wide.Bay.Burnett.IDAS@tmr.qld.gov.au.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (section 30 of the Development Assessment Rules).

Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

2212-32459 SRA

For further information please contact Peter Mulcahy, Principal Planning Officer, on (07) 3307 6152 or via email WBSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
Manager, Planning – Wide Bay Burnett

enc Attachment 1 – Referral agency conditions
 Attachment 2 – Advice to the applicant
 Attachment 3 – Reasons for referral agency response
 Attachment 4 – Representations about a referral agency response
 Attachment 5 – Approved plans and specifications

cc G Bailey & M Baylis
 C/- ONF Surveyors
 admin@onfsurveyors.com.au

Department of Transport and Main Roads
Wide.Bay.Burnett.IDAS@transport.qld.gov.au

Department of Resources
vegetation.support@resources.qld.gov.au

2212-32459 SRA

Attachment 1—Referral agency conditions

(Under Section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Development Permit for Reconfiguring a Lot (RAL) – 2 Lots into 6 Lots		
Schedule 10, Part 3, Division 4, Table 2, Item 1 of the Planning Regulation 2017—The Chief Executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Resources to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	<p>Clearing of vegetation must only occur to establish roads, residences, other infrastructure and firebreaks generally in accordance with the following plan:</p> <ul style="list-style-type: none"> - <i>Proposed Subdivision</i> prepared by ONF Surveyors, Drawing No. 10550P/3, Sheet 1 of 1 dated 22 March 2023 (as amended in red by the SARA) 	Prior to submitting the Plan of Survey to the local government for approval.
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 and Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 of the Planning Regulation 2017—The Chief Executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
2.	<p>a) The road access location between the D'Aguilar Highway and Lot 3 on RP180937 is located about 180 metres west from the easternmost point of the land, as generally shown on <i>Proposed Subdivision</i> prepared by ONF Surveyors, Drawing No. 10550P/3, Sheet 1 of 1 dated 22 March 2023 as amended in red by the SARA (to identify permitted road access location);</p> <p>b) Road access works comprising of a Type C Rural Property Access must be provided at the road access location;</p> <p>c) The road access works must be designed and constructed in accordance with the Department of Transport and Main Roads (DTMR) Standard Drawing No. SD1807, Road Planning and Design Manual 2nd Edition, Technical Specifications and Standard Drawings Roads.</p>	<p>(a) At all times.</p> <p>(b) Prior to submitting the Plan of Survey to the local government for approval.</p> <p>(c) Prior to submitting the Plan of Survey to the local government for approval.</p>
3.	Direct access is prohibited between the D'Aguilar Highway and Lot 3 on RP180937 at any other location other than the permitted road access location described in Condition No. 2 (above).	At all times.

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v3.0. If a word remains undefined it has its ordinary meaning.
Upgrade works to the State-controlled road network (D'Aguilar Highway)	
2.	The Department of Transport and Main Roads (DTMR) is designing future upgrades to two (2) sections of the D'Aguilar Highway, between Nanango and Kingaroy. The project is part of a larger package of work that commenced in 2021 and when complete, will have involved upgrading 24 kilometres of the D'Aguilar Highway to improve safety and traffic efficiency. These works are listed as Investment ID845296 in the DTMR Queensland Transport and Roads Investment Program 2023-24 to 2026-27 (QTRIP).
Road works in a state-controlled road	
3.	Condition No. 2 of the SARA Referral Agency Response includes a requirement for the standard of access between Lot 3 on RP180937 and the D'Aguilar Highway. Under Section 33 of the <i>Transport Infrastructure Act 1994</i> , written approval is required from the DTMR to carry out road works on a State-controlled road.

2212-32459 SRA

Attachment 3—Reasons for referral agency response

(Given under Section 56(7) of the *Planning Act 2016*)

The reasons for the SARA decision are:

The proposed development complies with the assessment benchmarks and purpose statement within State Code 1: Development in a state-controlled road environment and State Code 16: Native vegetation clearing of the *State Development Assessment Provisions*, as the proposed development is not considered to:

- adversely impact the function and efficiency of the state-controlled road network or upgrades to the state-controlled road network
- significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads or road transport infrastructure
- adversely impact on regional ecosystems, biodiversity or ecological processes

Conditions have been applied to ensure compliance with State Code 1 and 16.

Material used in the assessment of the application:

- The development application material
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (Version 3.0) as published by the SARA
- The Development Assessment Rules (DA Rules)
- SARA DA Mapping system
- SARA SPP Mapping system
- *Human Rights Act 2019*

2212-32459 SRA

Attachment 4—Representations about a referral agency response

State Assessment and Referral Agency (SARA)

Page 7 of 8

Document Set ID: 3052073
Version: 1, Version Date: 05/07/2023

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding representations about a referral agency response

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

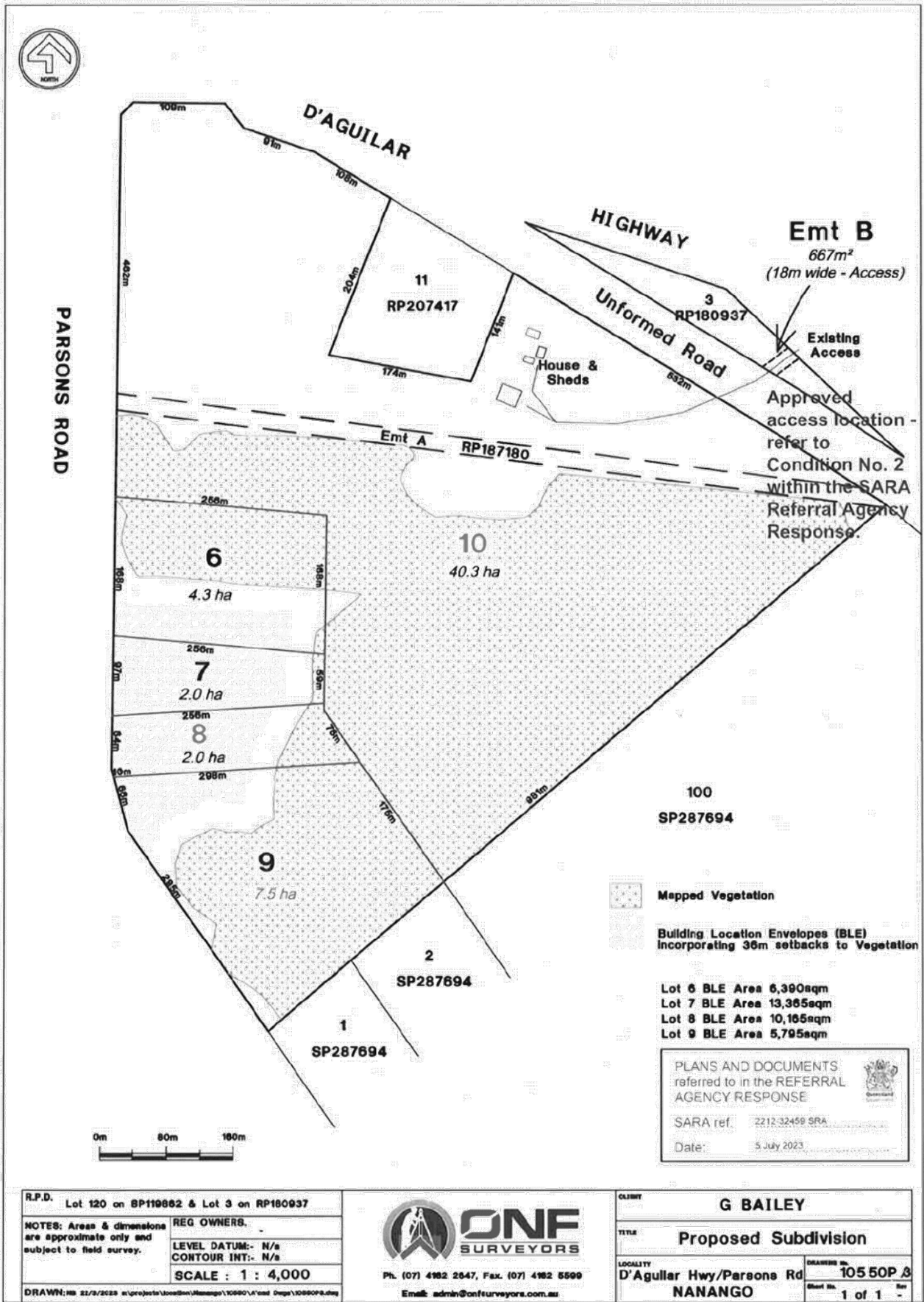
2212-32459 SRA

Attachment 5—Approved plans and specifications

State Assessment and Referral Agency (SARA)

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 Version: 1, Version Date: 05/07/2023

Our ref TMR22-038272
 Your ref 10550K
 Enquiries Bryan Richters



Department of
Transport and Main Roads

29 June 2023

Decision Notice – Permitted Road Access Location (s62(1) Transport Infrastructure Act 1994)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number RAL22/0042, lodged with South Burnett Regional Council involves constructing or changing a vehicular access between Lot 120SP119862 and Lot 3 RP180937, the land the subject of the application, and the D'Aguilar Highway (Yarraman – Kingaroy), a state-controlled road.

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address G Bailey & M Baylis C/- ONF Surveyors
 PO Box 896
 Kingaroy QLD 4610

Application Details

Address of Property D'Aguilar Highway, Nanango QLD 4615
 Real Property Description Lot 120SP119862 and Lot 3 RP180937
 Aspect/s of Development Development Permit for Reconfiguring of a lot – (two lots into six lots with access easement)

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	The permitted road access location between the D'Aguilar Highway and Lot 3 RP180937 is located about 180 meters west from the eastern most point of Lot 3 RP180937 as shown on the "Proposed Subdivision" plan prepared by ONF Surveyors dated 22 March 2023 reference Drawing Number 10550P/3 amended in red by the Department of Transport and Main Roads dated 27 June 2023.	At all times

¹ Please refer to the further approvals required under the heading 'Further approvals'

Program Delivery and Operations
 Southern Queensland Region
 23 Quay Street Bundaberg QLD 4670
 Locked Bag 486 Bundaberg DC QLD 4670

Telephone +61 7 (07) 4154 0280
 Website www.tmr.qld.gov.au
 Email WBB.IDAS@tmr.qld.gov.au
 ABN: 39 407 690 291

Document Set ID: 3052073
 Version: 1, Version Date: 05/07/2023

No.	Conditions of Approval	Condition Timing
2	Direct access is prohibited between the D'Aguilar Highway and Lot 3 RP180937 at any other location other than the permitted road access location described in Condition Number 1.	At all times
3	Direct access is prohibited between the D'Aguilar Highway and Proposed Lot 10 at any other location other than the permitted road access location described in Condition Number 1.	At all times
4	<p>Road access works comprising of a Rural property access Type C must be provided at the permitted access location described in Condition Number 1, generally in accordance with:-</p> <p>(a) TMR Standard Drawing SD1807; and</p> <p>(b) The Department of Transport and Main Roads' <i>Road Planning and Design Manual 2nd Edition, Technical Specifications, Standards and Standard Drawings Roads</i>.</p> <p><i>Note: To achieve safe intersection sight distance, the existing advertising sign on Lot 3 RP180937 northwest of the access is to be removed/relocated as detailed in the "Sight Distance Report" prepared by ATC Consulting Engineers dated 9 June 2023 reference G Bailey Lot 120 SP119862 Nanango QLD 4615 Version 0.3</i></p>	Prior to the plan of survey being lodged with the local government for approval
5	The standard of road access works between the D'Aguilar Highway Road shoulder and Lot 3 RP180937 must be maintained to a safe trafficable standard nominated in Condition Number 4 by either the landowner and/or other person/s with an interest in the land at no cost to the Department of Transport and Main Roads.	At all times
6	<p>The location of a property gate at the above access must be positioned wholly within the boundaries of Lot 3 RP180937 such that:</p> <p>a) the gate is located a minimum of 22 metres from the D'Aguilar Highway edge line generally in accordance with Figure 7.2 of Austroads Guide to Road Design Part 4 2023: Intersections and Crossings; and</p> <p>b) the gate must open away from the D'Aguilar Highway.</p>	At all times.
7	<p>The permitted road access location described in Condition Number 1 is approved for:</p> <p>a) rural purposes on Lot 3 RP180937; and</p> <p>b) the existing single dwelling on proposed Lot 10.</p>	<p>a) At all times</p> <p>b) Until alternative supported access to the D'Aguilar Highway is available.</p>

Reasons for the decision

The reasons for this decision are as follows:

- a) The subject land has frontage to the D'Aguilar Highway, a gazetted state-controlled road.
- b) Access between a state-controlled road and adjacent land is managed by the Department of Transport and Main Roads (TMR) under the jurisdiction of the *Transport Infrastructure Act 1994*.
- c) Section 62 of the *Transport Infrastructure Act 1994* allows TMR to make decisions about permitted road access locations.
- d) Section 62(1)(b) and (c) allows TMR to impose restrictions and/or conditions on the use of a permitted road access location.
- e) Section 62 (1)(g) of the *Transport Infrastructure Act 1994* allows TMR to decide about road access works being a stated type, standard or extent or be constructed in a stated way.
- f) To ensure vehicular access does not compromise the safety of road users of the state-controlled road network or any other transport infrastructure.
- g) To ensure vehicular access is consistent with the functional requirements of the state-controlled road network.
- h) To ensure access between the D'Aguilar Highway and Lot 3 RP180937 is maintained to a safe trafficable standard at all times and at no cost to TMR.
- i) To ensure access permission for Lot 10 to the existing alignment of the D'Aguilar Highway is provided until an alternative permitted access location is available.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.

In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

In accordance with section 67(7) of TIA, this decision notice:

- a) starts to have effect when the development approval has effect; and
- b) stops having effect if the development approval lapses or is cancelled; and
- c) replaces any earlier decision made under section 62(1) in relation to the land.

In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.

In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from TMR to carry out any road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. Please contact TMR's Bundaberg Office by email to WBB.IDAS@tmr.qld.gov.au for any enquiries or request for advice about this matter.
2. General advice – The "*Sight Distance Report*" prepared by ATC Consulting Engineers dated 9 June 2023 reference G Bailey Lot 120 SP119862 Nanango QLD 4615 Version 0.3 recommends the large advertising device on Lot 3 RP180937 be removed/relocated to achieve safe intersection sight distance criteria from the existing access. It is also recommended you discuss this with the Assessment Manager to ascertain their requirements. Further, TMR advises guidance on advertising devices located outside of, but visible from, a state-controlled road can be found within TMR's *Roadside Advertising Manual 4th Edition December 2022* available from www.tmr.qld.gov.au
3. General advice – TMR wishes to advise that this decision has been made on the basis of the existing road access arrangements and those presented within the development application material. TMR is designing future upgrades to two sections of the D'Aguilar Highway, between Nanango and Kingaroy. The project is part of a larger package of work that commenced in 2021 and when complete, will have involved upgrading 24km of the D'Aguilar Highway to improve safety and traffic efficiency. These works are listed as Investment ID845296 in the Department of Transport and Main Roads *Queensland Transport and Roads Investment Program 2023-24 to 2026-27* (the QTRIP).

For further information about the D'Aguilar Highway safety improvement project, please contact the Department of Transport and Main Roads' Communications Team on 1300 728 390 or alternatively, by email to Bundaberg.office@tmr.qld.gov.au

4. At completion of the works identified in dot point 3 Lot 10 be required to apply for an access decision.

Note: A future access decision for Lot 10 will be supported for the existing dwelling only.

If further information about this approval or any other related query is required, Mr Bryan Richters, Program Support Coordinator (Development Assessment) should be contacted either by email at WBB.IDAS@tmr.qld.gov.au or by phone on (07) 4154 0280.

Yours sincerely



Andrea McPherson
Senior Town Planner

- Attachments:
- Attachment A – Decision evidence and findings
 - Attachment B - Section 70 of TIA
 - Attachment C - Appeal Provisions
 - Attachment D – ONF Surveyors Drawing 10550P/3 amended in red by TMR
TMR Standard Drawing SD1807 Revision B

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

- Access between a state-controlled road and adjacent land is managed by the Department of Transport and Main Roads (TMR) under the *Transport Infrastructure Act 1994* (TIA). The objective of the TIA requires the establishment of a road regime that is safe and efficient. The D'Aguilar Highway (Yarraman to Kingaroy) is a state-controlled road managed by TMR.
- Section 62 of the TIA provides the Chief Executive of TMR to make decisions about permitted road access locations between particular land and a state-controlled road.
- Section 62(1)(g) of the *Transport Infrastructure Act 1994* allows TMR to make a decision about road access works being a stated type, standard or extent or be constructed in a stated way.
- TMR's *Vehicular access to state-controlled roads policy 2023* (VAP) includes principles and strategies to ensure vehicular access is consistent with the safety, function and future intent requirements of the state-controlled road.
- A development application for a Development Permit to Reconfigure a lot (1 lot into 10 lots) has been made on Lot 120 SP119862.
- On or about 13 June 2023, the applicant made a change to the application to also include Lot 3 RP180937 and reduced the number of new lots such that the application only seeks to reconfigure two lots into 6 lots.
- Access between the D'Aguilar Highway and Lot 3 RP180937 is obtained via an existing access located about 180 meters west from the eastern most point of Lot 3 RP180937.
- The proposal also includes creating an access easement over Lot 3 RP180937 in favour of proposed lot 10. No other access is proposed between the D'Aguilar Highway and either Lot 3 RP180937 and proposed Lot 10.
- A "*Sight Distance Report*" prepared by ATC Consulting Engineers dated 9 June 2023 Reference G Bailey Lot 120 SP119862 Version 0.3 recommends an existing large advertising device on Lot 3 RP180937 must either be removed or relocated to enable safe intersection sight distance criteria to be met.
- There is no Section 62 decision in force for the subject land for the existing access to the D'Aguilar Highway.

- Obtaining access at the approved location will ensure access to the land does not have an unreasonable impact on safety, function, and operational efficiency of the D'Aguliar Highway.

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
<i>Transport Infrastructure Act 1994</i>	Queensland Government	Current as at 27 June 2023	---	---
Vehicular access to state-controlled roads access policy	Department of Transport and Main Roads	2023	---	---
Road Planning and Design Manual 2 nd Edition	Department of Transport and Main Roads	Current as at 27 June 2023	---	---
Standard Drawings Roads Manual	Department of Transport and Main Roads	Current as at 27 June 2023	---	---
Rural Property Access Standard Drawing	Department of Transport and Main Roads	Current as of 27 June 2023	SD1807	B
Development Application Material	B Bailey and M Baylis	various	MyDAS Reference 2212-32459 SRA	---
Proposed Subdivision Plan	ONF Surveyors	22 March 2023	Drawing Number 10550P/3	---
Letter addressed to SARA	ONF Surveyors	13 June 2023	10550K	---
Sight Distance Report	ATC Consulting Engineers	9 June 2023	G Bailey Lot 120 SP119862 Nanango QLD 4615	0.3
Email to Department of Transport and Main Roads	Department of State Development, Infrastructure, Local Government and Planning	13 June 2023	2212-32459 SRA	---

Attachment B**Section 70 of TIA**

Transport Infrastructure Act 1994
Chapter 6 Road transport infrastructure
Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
 - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and
 - (b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

- (5) The court may order—
- (a) the appeals to be heard together or 1 immediately after the other; or
 - (b) 1 appeal to be stayed until the other is decided.
- (6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.
- (7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

Transport Planning and Coordination Act 1994

Part 5, Division 2 – Review of Original Decisions

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.
- (8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.



420 Flinders Street, Townsville QLD 4810
PO Box 1090, Townsville QLD 4810

ergon.com.au

25 July 2023

South Burnett Regional Council
Attention: *Josie Bambling*
Via email: planning@sbrc.qld.gov.au

cc B Bailey & M Baylis
c/- ONF Surveyors
Attention: *Natasha Brooks*
Via email: admin@onfsurveyors.com.au

Dear Sir/Madam,

Development Application – Reconfiguration of a Lot for 2 into 6 Lots located at D'aguilar Highway Nanango, described as L120 SP119862.

Applicant Ref: -
Council Ref: RAL22/0042
Our Ref: HBD 7694212

We refer to the above referenced Development Application which has been referred to Ergon Energy in accordance with the *Planning Act 2016*.

In accordance with Schedule 10, Part 9, Division 2 of the *Planning Regulation 2017*, the application has been assessed against the purposes of the *Electricity Act 1994* and *Electrical Safety Act 2002*. The below response is provided in accordance with section 56(1) of the *Planning Act 2016*.

Should the Assessment Manager decide to approve the proposed Reconfiguration of a Lot for 2 into 6 Lots, as an Advice Agency for the Application, Ergon requires that the assessment manager impose the following conditions:

1. This application is approved in accordance with the below referenced plans. Any alterations to these plans before the development application is decided are to be resubmitted to Ergon for comment:

Approved Plans			
Title	Plan Number	Issue	Date
Proposed Subdivision	10550P/3	-	Lodged 17/07/23

Have you seen our fact sheets?

See the 'considerations when developing around electricity infrastructure' section of our website www.ergon.com.au/referralagency

Ergon Energy Corporation Limited ABN 50 087 646 062

Document Set ID: 3059363
Version: 1, Version Date: 26/07/2023

2. All easement conditions must be maintained.
3. Effluent treatment areas are not permitted to be located within the Ergon Easement.

All works should be in accordance with Ergon's Standard Guidelines WP1323 for general conditions when considering works either on an easement or in the vicinity of Ergon assets. These are available [online](#) for your reference.

Should you require any further information on the above matter, please contact Angela Cobcroft on 0447 671 554 or email townplanning@ergon.com.au.

Yours faithfully,



Angela Cobcroft
Senior Planner

Have you seen our fact sheets?

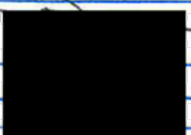
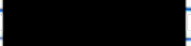
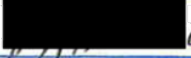
See the 'considerations when developing around electricity infrastructure' section of our website www.ergon.com.au/referralsagency

Delegated Authority:

Date:

0.0 RECONFIGURATION OF A LOT - SUBDIVISION (1 LOT INTO 2 LOTS) AT 46 KINGAROY BURRANDOWAN ROAD, TAABINGA (AND DESCRIBED AS LOT 2 ON RP174630) - APPLICANT: S NEAL C/- ONF SURVEYORS

File Number: RAL23/0006
Author: Planning Consultant
Authoriser: Chief Executive Officer

	SIGNATURE	DATE
coordinator MANAGER		14/09/23
GM		
CEO		15-9-2023

PRECIS

Reconfiguration of a Lot – Subdivision (1 Lot into 2 Lots) at 46 Kingaroy Burrandowan Road, Taabinga (and described as Lot 2 on RP174630) – Applicant: S Neal C/- ONF Surveyors

SUMMARY

- Application for Development Permit for Reconfiguring a Lot (1 lot into 2 lots);
- Applicant seeks to reconfigure the subject site into two (2) lots, creating an additional lot with frontage to Kingaroy Burrandowan Road;
- Subject site located in the Rural residential zone under the South Burnett Regional Council Planning Scheme;
- Proposal triggered Impact assessment as the proposed lots do not achieve the minimum prescribed frontage width of 80 metres;
- The subject site includes an area of 4.016 hectares;
- The development application is assessed against the entirety of the South Burnett Regional Council Planning Scheme. Relevant parts include:
 - Strategic Framework
 - Rural Residential Zone Code;
 - Reconfiguring a Lot Code; and
 - Services and Works Code.
- The subject site triggers referral to SARA as the site is within 25 metres of a state-controlled road being Kingaroy Burrandowan Road, Taabinga;
- Council did not issue an information request as the applicant indicated that they did not wish to receive one, however, SARA issued an information request on 10 May 2023 seeking further information relating to the proposed new vehicular access point;
- The application has been assessed and the proposal generally meets the requirements of the planning scheme and relevant codes (refer Attachment A – Statement of Reasons);
- Refer Attachment B – Infrastructure Charges Notice;
- Refer Attachment C – Approved Plans;
- Refer Attachment D – Referral Agency Response; and
- Application has been recommended for approval, subject to reasonable and relevant conditions.

OFFICER'S RECOMMENDATION

That Council approve the development permit for a Reconfiguring a Lot (1 Lot into 2 Lots) at 46 Kingaroy Burrandowan Road, Taabinga (formally described as Lot 2 on RP174630).

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:

Drawing Title	Prepared by	Ref No.	Rev.	Date
Proposed Subdivision	ONF Surveyors	11377P/1	A	7/6/23

Timing: At all times.

Delegated Authority:

Date:

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

COMPLIANCE

GEN3. All conditions of this approval are to be satisfied prior to Council endorsing the Survey Plan, and it is the applicant's responsibility to notify Council to inspect compliance with Conditions.

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

OUTSTANDING FEES

GEN4. Prior to the sealing of the Plan of Survey the applicant is required to pay the Council all rates and charges or any expenses being a charge over the subject land under any Act in accordance with Schedule 18, Section 69 of the *Planning Regulation 2017*.

SURVEY MARKS

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

VALUATION FEES

RAL2. Payment of Department of Natural Resources and Mines valuation fee that will result from the issue of split valuations prior to Council sealing the Survey Plan. The contribution is currently assessed at \$96.00 (2 x \$48.00); however, the actual amount payable will be based on Council's Register of Regulatory & Cost-Recovery Fees and the rate applicable at the time of payment.

PLANNING

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

Timing: As indicated.

PROPERTY BOUNDARIES

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

ENGINEERING WORKS

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

ENG2. Be responsible for any alteration necessary to electricity, telephone, 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

ENG3. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.

Delegated Authority:

Date:

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

STORMWATER MANAGEMENT

- ENG5. 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.
- ENG6. 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).
- 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. Each lot shall be connected to Councils reticulated water supply network via a single connection. As the existing water infrastructure in the area may be not be suitable for the additional connection, some network upgrading may be required, and will be determined by Councils Infrastructure Department. Any costs to upgrade the network will be the responsibility of the developer.

Timing: Prior to sealing of the survey plan.

Comment: This condition is imposed pursuant to Section 145 of the Planning Act 2016.

ON-SITE WASTEWATER DISPOSAL

- ENG9. Council records indicate that the existing wastewater land application area, for the existing dwelling, may be in close proximity to the proposed new boundary. Provide a plan demonstrating that the existing wastewater land application area meets the setback requirements of the *Queensland Plumbing and Wastewater Code 2019* (QPWC). If the wastewater land application area does not meet the requirements of the QPWC, then a new land application area shall be constructed in accordance with the *AS 1547 On-site domestic wastewater management* and QPWC, and shall be subject to a plumbing application.

Comment: The location of the existing wastewater land application (septic trench) shall be determined by exposing the end of the trench to confirm its location.

- ENG10. Future Dwellings shall be connected to an on-site wastewater disposal system, in accordance with *AS 1547 On-site domestic wastewater management* and the Queensland Plumbing and Waste Water Code.

VEHICLE ACCESS

- ENG11. Construct a gravelled driveway having a minimum width of 4 metres in accordance with Council's Standard Drawing 00049, to access proposed Lot 10. Note that where no table drains exists, a culvert is not required.

Timing: Prior to sealing of the survey plan.

Comment: This condition is imposed pursuant to Section 145 of the Planning Act 2016.

TELECOMMUNICATION

- ENG12. Provide telecommunications to all lots within the development.

Delegated Authority:

Date:

ELECTRICITY

ENG13. Provide electricity supply to all lots within the development to comply with Ergon Energy's requirements. Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity.

EROSION AND SEDIMENT CONTROL - GENERAL

ENG14. 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.

ENG15. 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.

STANDARD ADVICE

ADV1. Section 85(1)(b) 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. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore, be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding. A search can be arranged by visiting <https://www.datsip.qld.gov.au> and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

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

INFRASTRUCTURE CHARGES NOTICE

ADV4. Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 119 of the *Planning Act 2016*.

DEVELOPER INCENTIVE

ADV5. 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.

CONCURRENCE AGENCY

ADV6. The State Referral Assessment Agency has imposed conditions on the development permit as attached as Attachment D.

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:

REPORT**1. APPLICATION DETAILS**

Site address	46 Kingaroy Burrandowan Road, Taabinga		
Real property description	Lot 2 on RP174630		
Easements or encumbrances on title	N/A		
Area of Site	4.016 hectares		
Current Use	Rural residential		
Environmental Management Register or Contaminated Land Register	N/A		
Applicant's name	S Neal c/- ONF Surveyors		
Zone	Rural Residential		
Applicable Overlays	OM1 – Airport Environs Overlay Map – within 8km distance from airport OM8 – Agricultural Overlay Map – important agricultural areas and Class A		
Proposed use as defined	N/A		
Details of proposal	Reconfiguring a Lot (RALs)		
	• Number of existing lots	1 lot	
	• Easements or leases proposed	Nil	
	• Number of proposed lots	2 lots	
	• Lot areas	Lot 10 – 2ha Lot 11 – 2ha	
	• Access	Via Kingaroy Burrandowan Road	
Application type	Aspects of Development	Type of Approval Requested	
		Preliminary Approval	Development Permit
	Material Change of Use (MCU)		
	Reconfiguration of a Lot (RAL)		X
	Building Work (BW)		
	Operational Work (OPW)		
Level of Assessment	Impact Assessment		
Pre-lodgement Consultation history	N/A		
Key planning issues e.g. vegetation, waterway corridors, overland flow	Lot Width		
Referral agencies	Agency	Concurrence/ Advice	
	SARA	site adjacent to a State-controlled road	
Public notification	Yes – 15 business days		

Delegated Authority:

Date:

Planning 2017	Regulation	N/A
Wide Bay Regional Plan	Burnett	The relevant parts of the SPP are appropriately reflected in the Planning Scheme.

2. THE SITE

This section of the report provides a description of the site, details about the existing use and notable characteristics of the site, the standard of servicing, and the form of development in the immediately locality.

2.1. SITE DESCRIPTION & EXISTING USE

The subject site is located at 46 Kingaroy Burrandowan Road, Taabinga and is formally described as Lot 2 on RP174630. The subject site is currently used for rural residential purposes, containing a single dwelling house and associated outbuildings. The land contains some scattered vegetation and includes a frontage of 127.2 metres to Kingaroy Burrandowan Road where access is currently obtained.

Table 1 – Maps & Descriptions (Source: Intramaps)



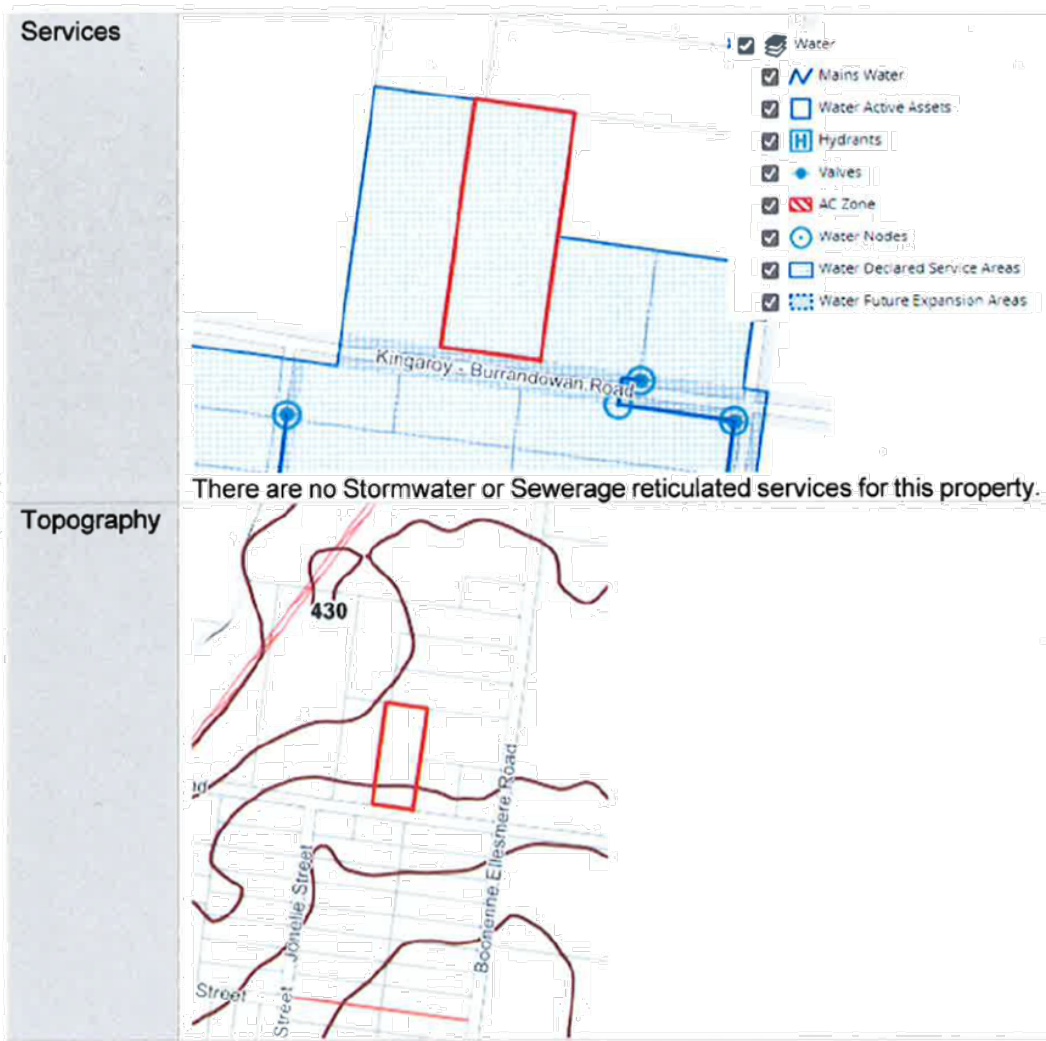
Delegated Authority:

Date:



Delegated Authority:

Date:



2.2. DEVELOPMENT HISTORY OF THE SITE

No past development applications are recorded against the site.

3. PROPOSAL DETAILS

The Applicant seeks a Development Permit for a Reconfiguration of a Lot (1 lot into 2 lots). The proposed lot reconfiguration will retain the existing structures and access on proposed lot 11 and create a new lot 10 by dividing the existing lot in half. Each lot will be approximately two hectares in area and incorporate a frontage of 63.3 metres to Kingaroy Burrandowan Road. **Attachment C** includes the proposed site plan for the development, prepared by ONF Surveyors.

4. ASSESSMENT OF ASSESSMENT BENCHMARKS

Framework for Assessment
 Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following Categorising Instruments may contain Assessment Benchmarks applicable to development applications:

- the *Planning Regulation 2017*
- the Planning Scheme for the local government area

Delegated Authority:

Date:

- any Temporary Local Planning Instrument
- any Variation Approval

Of these, the planning instruments relevant to this application are discussed in this report.

The following sections of the *Planning Act 2016* are relevant to this application:

- 45(5) *An impact assessment is an assessment that –*
- (a) *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 subparagraph; and*
 - (b) *may be carried out against, or having regard to, any other relevant matter, other than a person’s personal circumstances, financial or otherwise.*

In regard to the prescribed regulation, being the *Planning Regulation 2017*, the following sections apply in the assessment of this application:

Section 30 – Assessment Benchmarks generally

- (1) *For section 45(5)(i) of the Act, the impact assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.*
- (2) *Also, if the prescribed assessment manager is the local government, the impact assessment must be carried out against the following assessment benchmarks—*
 - (a) *the assessment benchmarks stated in—*
 - (i) *the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
 - (ii) *the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
 - (iii) *a temporary State planning policy applying to the premises;*
 - (b) *if the development is not in a local government area-any local planning instrument for a local government area that may be materially affected by the development;*
 - (c) *if the local government is an infrastructure provider—the local government’s LGIP.*
- (3) *However, an assessment manager may, in assessing development requiring impact assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.*

4.1. PLANNING REGULATION 2017

The Planning Regulation 2017 forms the mechanism by which the provisions of the Act are administered. In particular, the Regulation can regulate and prohibit development and determines the assessment manager and the matters that trigger State interests.

PLANNING REGULATION 2017 DETAILS	
Assessment Benchmarks:	NA

Delegated Authority:

Date:

<p>WBB Regional Plan Designation:</p>	<p>Wide Bay Burnett Regional Plan 2011 – Rural Living Area</p> <p>By 2031, it is anticipated that an additional 4300 dwellings will be required to house growth within the South Burnett region. Urban and rural living broad hectare land can accommodate a significant proportion of the required dwellings.</p> <p>Rural Living Area Principles:</p> <ul style="list-style-type: none"> • Productive rural land is preserved. • Rural residential areas are not located in areas of high ecological significance. • Natural hazards such as flooding, bushfire and landslide do not cause an unacceptable risk to life and property. • All weather access to a community of interest is available. • Rural residential areas are located in proximity to towns where a minimum of local services are available to support residents. • There is an identified need for additional land to be included in a rural residential area, considering both the capacity in urban areas and rural living areas. • Suitable infrastructure is available or can be provided to support future residents. • Land management practices, such as weed and pest control and bushfire management, can be practically accommodated. • Inclusion of land in the Rural Living Area considers the whole-of-life costs of the development. <p>The Wide Bay Burnett Regional Plan 2011, currently being reviewed, identifies the township of Kingaroy as one of the key inland towns for the Wide Bay Burnett region, and together with Bundaberg, Gympie, Hervey Bay and Maryborough, is intended to provide a range of higher order services and functions for the urban communities and to support the region’s rural activities. More particularly, the Regional Plan identifies Kingaroy as a Major Regional Activity Centre within the South Burnett Regional Council area.</p>
<p>Adopted Economic Support Instrument</p>	<p>Under section 68E of the Planning Regulation 2017 that on 24 February 2021, South Burnett Regional Council adopted an economic support instrument. The instrument is in effect until 31st December 2023.</p> <p>Economic support provisions</p> <p>4.1. The instrument applies the following provisions in accordance with section 68D(1) of the <i>Planning Regulation 2017</i>:</p> <p>4.1.1 Part 8B, Division 3 – Development that requires code assessment;</p> <p>4.1.2 Schedule 6, Part 2, Section 7A – Particular material change of use involving an existing building, and</p> <p>4.1.3 Schedule 6, Part 2, Section 7B – Material change of use for home-based business in particular zones.</p> <p>The adopted instrument does not change the categories of development and assessment in the Planning Scheme v1.4</p>

Delegated Authority:

Date:

4.2. REFERRAL AGENCIES

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

The application does require referral to a referral agency prescribed under Schedule 10, as demonstrated in **Table 2**.

Note: Grey shading indicates no provisions.

Table 2. Matters Prescribed in Schedule 10 of the Planning Regulation 2017.

Part	Matter	Applicability to this Development Application	Prohibited Development	Assessable Development	Referral Agency	Assessment Benchmarks / Matters to be assessed against
1	Airport Land	N/A		N/A	N/A	N/A
2	Brothels	N/A	N/A	N/A		N/A
3	Clearing Native Vegetation	N/A	N/A	N/A	N/A	N/A
4	Contaminated Land	N/A		N/A	N/A	N/A
5	Environmentally Relevant Activity	N/A	N/A	N/A	N/A	N/A
6	Fisheries: - Aquaculture - Declared Fish Habitat - Marine Plants - Waterway Barrier works	N/A N/A N/A N/A		N/A	N/A	N/A
7	Hazardous Chemical Facilities	N/A		N/A	N/A	N/A
8	Heritage Place: - Local Heritage Place - Queensland Heritage Place	N/A		N/A	N/A	N/A
9	Infrastructure Related: - Designated Premises - Electricity - Oil and Gas - State Transport Corridors and Future State Transport Corridors - State-controlled transport tunnels and future state-controlled transport tunnels	N/A N/A N/A Yes N/A			SARA	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (10.9.4.2.1.1) Reconfiguring a lot near a state transport corridor
10	Koala Habitat in SEQ region	N/A	N/A			N/A
11	Noise Sensitive Place on Noise Attenuation land	N/A	N/A			
12	Operational Work for Reconfiguring a Lot	N/A		N/A		
12A	Walkable Neighbourhoods –	N/A		N/A		N/A

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Part	Matter	Applicability to this Development Application	Prohibited Development	Assessable Development	Referral Agency	Assessment Benchmarks / Matters to be assessed against
	particular reconfiguring a lot					
13	Ports: - Brisbane Core Port Land - Within the port limits of the Port of Brisbane - Within the limits of another port - Strategic Port Land	N/A N/A		N/A	N/A	N/A
14	Reconfiguring a Lot under the Land Title Act	N/A		N/A	N/A	N/A
15	SEQ Development Area	N/A		N/A	N/A	N/A
16	SEQ Regional Landscape and Rural Production Area and Rural Living Area: - Community Activity - Indoor Recreation - Residential Development - Urban Activity	N/A	N/A	N/A	N/A	N/A
16A	Southport Spit	N/A	N/A			
17	Tidal Works or Work in a Coastal Management District	N/A		N/A	N/A	N/A
18	Urban Design	N/A			N/A	N/A
19	Water Related Development: - Taking or interfering with water - Removing quarry material - Referral dams - Levees	N/A N/A N/A N/A		N/A	N/A	N/A
20	Wetland Protection Area	N/A	N/A	N/A	N/A	N/A
21	Wind Farms	N/A		N/A		N/A

Based on the findings in **Table 2** it has been concluded that the application requires referral to a Referral Agency in accordance with Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 of the *Planning Regulation 2017*.

4.3. STATE PLANNING POLICY

The State Planning Policy (July 2017) (SPP) commenced on the 3 July 2017 and is effective at the time of writing this report. The Planning Regulation 2017 (PR 2017) states the assessment must be carried out against the assessment benchmarks stated in Part E of the State Planning Policy to the extent Part E is not appropriately integrated into the planning scheme.

In accordance with section (8)(4)(a) of the Act, the State Planning Policy applies to the extent of any inconsistency with the Planning Scheme.

State Planning Policy Part E	
Liveable communities and housing	No applicable assessment benchmarks.
Economic growth <ul style="list-style-type: none"> • Agriculture. • Development and construction. • Mining and extractive resources. • Tourism. 	The site is within an important agricultural area and contains some Class A and B agricultural land along the south-eastern corner of the land. The proposed development should not significantly impact upon the productive capacity of the agricultural land as the proposal results in smaller lots which are intended for residential uses.
Planning for the environment and heritage. <ul style="list-style-type: none"> • Biodiversity. • Coastal environment. • Cultural heritage. • Water quality 	The site contains some category R regulated vegetation and intersects a watercourse along the rear boundary. The proposed development should not significantly impact upon these biodiversity values as the proposal does not result in the interference with or removal of any vegetation.
Safety and resilience to hazards <ul style="list-style-type: none"> • Emissions and hazardous activities. • Natural hazards, risk, and resilience. 	No applicable assessment benchmarks.
Infrastructure <ul style="list-style-type: none"> • Energy and water supply. • Infrastructure integration. • Transport infrastructure. • Strategic airports and aviation facilities. • Strategic ports. 	All appropriate residential services infrastructure and connections can be made and are conditioned as part of the approval.

4.4. DEVELOPMENT CODE ASSESSMENTS

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 Impact Assessment. The relevant assessment benchmarks are:

- Strategic Framework
- Rural Residential Zone Code
- Reconfiguring a Lot Code
- Services and Works Code

Strategic Framework

An assessment of the proposed development against each theme included under the Strategic Framework is included below.

Section 3.2 Settlement Pattern

The proposed lot reconfiguration is consistent with the strategic outcomes set out in Section 3.2 in that it consolidates an existing rural residential area to provide an additional lot that meets the minimum lot size with adequate access to services, infrastructure, and the Kingaroy town centre (3.2.1.1(14)).

Section 3.3 Rural Futures

The proposal is consistent with the strategic outcomes set out in Section 3.3 as the site is within the Rural Residential zone and will not compromise the productive capacity of surrounding agricultural land.

Section 3.4 Strong Economy

The proposal is consistent with the strategic outcomes set out in Section 3.4 as the proposal will result in two sufficiently sized rural residential lots, providing an economic contribution to the region.

Section 3.5 Natural Systems & Sustainability

The proposal complies with the strategic outcomes set out in Section 3.5 as the proposal is for a lot reconfiguration on unconstrained land that will not cause land use conflicts or habitat fragmentation.

Section 3.6 Strong Communities

The proposal complies with the strategic outcomes of Section 3.6 as the proposal will result in two rural residential lots with adequate access to services, roads, and the Kingaroy town centre, providing access to community facilities and employment opportunities.

Section 3.7 Infrastructure & Servicing

The proposal complies with the strategic outcomes of Section 3.7 as the lots are able to be connected to water and electricity infrastructure at the road frontage. Further, the proposed development will not significantly increase traffic to the surrounding road network as only one additional access point is proposed to Kingaroy Burrandowan Road.

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.

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

Table 6.2.14.3 Criteria for Assessment

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
General		
PO1 Buildings and structures must complement the semi-rural character of nearby development and protects residential amenity.	<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</p>	Not Applicable The proposal is for a lot reconfiguration only.

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
	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. and AO1.6 Outdoor lighting is designed, installed and maintained in accordance with AS4282 – Control of the Obtrusive Effects of Outdoor Lighting.	
PO2 Development minimises the potential for reverse amenity impacts for adjoining existing non-residential activities.	AO2.1 A well-maintained vegetative buffer is provided on the residential land between the residential development and adjacent existing non-residential use.	Not Applicable There are no adjacent non-residential uses.
PO3 Dwellings are to be adequately serviced.	AO3.1 Where in a reticulated water supply area, development is to be connected to the supply network. and 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 sewerage 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	Not Applicable. The subject site is not located within a water supply area. Not Applicable Complies. A condition has been recommended which requires demonstration that on-site sewerage disposal can meet the setback requirements of the relevant codes and policies. Complies. Future dwellings can be connected to electricity and telecommunications. Complies

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Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
	<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>The lots are of sufficient size that stormwater from future houses is unlikely to be concentrated onto adjoining properties.</p> <p>Complies. The site fronts Kingaroy Burrandowan Road which is a bitumen sealed road providing access to both proposed lots.</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 pervious activities and contaminated soils which are subject to development are remediated prior to plan sealing, operational works permit.</p>	<p>Not Applicable. There are no known or listed contamination on the subject sites that could pose a health risk due to contaminated soils.</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
Section 2 Where in the vicinity of an existing intensive animal industry	Not Applicable. The subject site is not located within the vicinity of any existing intensive animal industry.	
Section 3 Home based business	Not Applicable. The proposed development is for reconfiguring a lot.	
Section 4 Secondary dwelling	Not Applicable. The proposed development is for reconfiguring a lot.	
Section 5 For development affected by one or more overlays		
Airport environs overlay		
Public safety sub-area		
<p>PO10 Development located at the end of runways does not increase the risk to public safety.</p>	<p>AO10.1 Development does not include the following within an airport's public safety area as depicted on Overlay Map 01:</p> <ul style="list-style-type: none"> (a) a significant increase in the number of people living, working or congregating in PSAs, such as accommodation activities (b) uses that attract large numbers of people (recreation activities, shopping centres, industrial or commercial uses involving large numbers of workers or customers); (c) community activities (e.g. education establishments, hospitals) (d) the manufacture, use or storage of flammable, explosive, (e) hazardous or noxious materials. 	<p>Not Applicable. The proposal is not within an airport's public safety area.</p>
Wildlife hazards sub-area		

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
<p>PO11 Development does not significantly increase the risk of wildlife hazard particularly flying vertebrates, such as birds and bats, intruding within an airport operational airspace.</p>	<p>AO11.1 Development located within 3 km of an airport runway as depicted on Overlay Map 01 does not include turf farms, fruit tree farms, piggeries, show grounds, food processing plants or food, organic waste or putrescible waste facilities. Development for the purposes of dairy or poultry farms, outdoor sport and recreation, non-putrescible waste facility or sewage treatment facilities ensure landscaping and drainage works (including artificial water bodies) minimise bird and bat attracting potential.</p> <p>and</p> <p>AO11.2 Development located between 3 km and 8 km of an airport runway as depicted on Overlay Map 01 for turf farms, fruit tree farms, piggeries, show grounds, food processing plants, food, organic waste or putrescible waste facilities, dairy or poultry farms, outdoor sport and recreation or sewage treatment facilities ensures potential food or waste sources are covered and collected so that they are not accessible to wildlife.</p>	<p>Not Applicable. The site is not within 3km of an airport runway.</p> <p>Not Applicable. The proposal is for a lot reconfiguration only.</p>
Biodiversity overlay	Not Applicable. The site is not identified on the Biodiversity overlay.	
Bushfire hazard overlay	Not Applicable. The site is not identified on the Bushfire hazard overlay.	
Flood hazard overlay	Not Applicable. The site is not identified on the Flood hazard overlay.	
Landslide hazard overlay	Not Applicable. The site is not identified on the Landslide hazard overlay.	
Regional infrastructure overlay	Not Applicable. The site is not identified on the Regional infrastructure overlay.	
Water catchments overlay	Not Applicable. The site is not identified on the Water catchments overlay.	

Summary of Compliance with Rural Residential Zone Code:

The proposed development complies with the acceptable outcomes of the Rural residential zone code.

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 with the Performance Criteria The proposed lots are both 2 hectares however will result in frontages less than the prescribed width of 80 metres in the Rural Residential zone. Despite the lots being approximately 17 metres (or 20%) narrower than intended in the Rural Residential zone, both lots meet the minimum lot size, are regular in shape and obtain access via a sealed road. It is considered that they are of sufficient size and dimensions to meet the future rural residential use, including servicing needs.</p> <p>Complies. The minimum lot size is achieved for the proposed lots.</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-</p>	<p>Complies. The proposed lots have direct road frontages.</p> <p>Complies with the Performance Outcome</p>

Ordinary Council Meeting Agenda

25 December 2030

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
	arterial or higher order roads. and AO8.3 Except in the Rural Zone, new lots, are provided with access to a sealed road.	The proposed lots gain access from a State-controlled road and the proposed access locations have been approved by SARA. Complies. Access for both lots is to Kingaroy Burrandowan Road which is 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.	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. and AO9.4 Rear lots are only created where the site gradient is greater than 5%.	Not Applicable. The proposal does not include a rear lot. Not Applicable. The proposal does not include a rear lot. Not Applicable. The proposal does not include a rear lot. Not Applicable. The proposal does not include a rear lot.
PO10 The design and construction of new roads: (a) Maintain safe and efficient access to the transport network; (b) Creates integrated neighbourhoods; and (c) Are constructed to a standard that is commensurate with the intended use of allotments.	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 AO10.4 Other than in the Rural or Rural Residential Zones, new streets are provided with layback kerb and channel. or AO10.5 In the Rural Residential Zone, new streets are provided with concrete flush kerbs and swale drains.	Not Applicable. The proposed development does not include any new roads.
PO11	AO11.1 Where the reconfiguration involves	Not Applicable.

Ordinary Council Meeting Agenda

25 December 2030

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
The provision of services is resistant to inclement weather and does not degrade the character of the area.	the opening of a new road, all electricity and telecommunications services are located underground.	The proposed development does not include any new roads.
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.	AO12.1 No outcome specified.	Not Applicable. Integration of walking and cycling networks are not relevant to this proposal in the Rural Residential Zone.
PO13 Public open space is provided in response to community need.	AO13.1 Public open space is provided in accordance with the Priority Infrastructure Plan.	Not Applicable. The proposed development does not require the provision of public open space.
PO14 Reconfiguration into allotments less than 400m ² in the Medium Density Residential zone is facilitated where design outcomes are consistent with expectations for the zone.	AO14.1 Reconfiguration in the Medium Density Residential zone involving allotments less than 400m ² where creating allotments for individual units in an approved and completed multiple dwelling or dual occupancy.	Not Applicable. The subject site is located within the Rural Residential Zone.
PO15 Reconfiguration into allotments less than 400m ² in the Medium Density Residential zone is to provide for suitable living environments.	For allotments less than 400m ² – AO15.1 All lots are orientated to within 20° of north. AO15.2 All lots are to be sized and shaped to accommodate a 10m x 20m rectangle.	Not Applicable. The subject site is located within the Rural Residential Zone.

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
Section 4 All reconfiguring a lot subject to an overlay		
Agricultural land overlay		
PO16 The productive capacity and utility of agricultural land for rural activities is maintained.	AO16.1 In the Rural zone only, no additional allotments are created in the area identified as agricultural land on SPP Interactive Mapping (Plan Making); or AO16.2 In the Rural zone only, a Farm management plan prepared by a suitably qualified agronomist demonstrates that the existing productivity of the land area is not reduced.	Not Applicable. The site is in the Rural Residential Zone.
Airport environs overlay		
Public safety sub-area		
PO17 Development located at the end of runways does not increase the risk to public safety.	AO17.1 Development does not include a significant increase in the number of people living, working or congregating in an airport's public safety area as depicted on Overlay Map 01.	Not Applicable. The site is not in a public safety sub-area.
Biodiversity overlay	Not Applicable. The site is not identified on the Biodiversity overlay.	
Bushfire hazard overlay	Not Applicable. The site is not identified on the Bushfire hazard overlay.	
Flood hazard overlay	Not Applicable. The site is not identified on the Flood hazard overlay.	

Summary of Compliance with the Reconfiguring a Lot Code:

The proposed development seeks to reconfigure one (1) existing lot to create two (2) lots. There is a Performance Outcome with respect to lot dimensions (which is also the trigger for impact assessment). In this case both lots meet the minimum lot size, are regular in shape and obtain access via a sealed road. On this basis the proposed lots are considered to be of an appropriate size and dimension 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 is considered to comply with the Reconfiguring a lot code.

Services and Works Code

Table 8.4.3—Assessable development

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
Section 1 General		
<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>Complies with the Performance Outcome. Both lots are of sufficient size to avoid the concentration of stormwater from future buildings. The application is for reconfiguration of a lot only and in any case, future uses are likely to be residential in nature which typically do not have an adverse impact on stormwater quality. No changes to ground levels are proposed.</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 treatment for disposal to sewer, surface water and groundwater 	<p>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.</p>
<p>PO3 Construction activities avoid or minimise adverse impacts on stormwater quality.</p>	<p>AO3.1 An erosion and sediment control plan addresses the design objectives for the construction phase in Table 9.4.4.</p>	<p>Not Applicable. There are no extensive construction activities proposed as part of the development. Basic erosion 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. Limited ground disturbance is proposed which would alter water flow paths across the land.</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
Section 2 Infrastructure		
<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 Kingaroy Burrandowan Road 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>
Section 3 Vehicle Parking		
<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. 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>Not Applicable. A service bay is not required.</p> <p>Complies. Driveways will be conditioned to comply with the standard.</p> <p>Complies. Vehicle manoeuvring areas will be conditioned to comply with the standard.</p>
Section 4 Landscaping		
<p>PO7 Landscaping is appropriate to the setting and enhances local character and amenity.</p>	<p>AO7.1 Landscaping is provided in accordance with the relevant zone code provisions.</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>Not Applicable. The proposed development is for reconfiguring a lot and will not involve any landscaping works as part of the proposal.</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
	<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>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>
<p>PO9 Development results in ground levels that retain:</p> <ul style="list-style-type: none"> (a) access to natural light; (b) aesthetic amenity; (c) privacy; and (d) safety. 	<p>AO9.1 The depth of:</p> <ul style="list-style-type: none"> (a) fill is less than 2m above ground level; or (b) excavation is less than 2m below ground level. <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</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>

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

Summary of Compliance with 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 (or impact on stormwater quality) as a result of future development such that it would cause an impact on adjoining land. There are no substantial earthworks proposed.

Other Relevant Matters

The consideration of other relevant matters applies to the assessment and decision-making process for this impact assessable development application. The below summarises the matters considered by the planning assessment.

Applicant submitted reports	Town Planning Report
Assessment considerations of merits	Impact assessment under the Planning Act 2016 is an 'unbounded' assessment, meaning relevant matters other than those prescribed can also be considered, and weighing and balancing 'inside the box' as well as with factors 'outside the box' can take place in reaching a decision. The below outlines the planning assessment of the merits of the application presented.
Planning discussion	The applicant did not present any relevant matters as part of the application material. The planning assessment considers that there is compliance with the relevant assessment benchmarks.

5. CONSULTATION**Referral Agencies**

State Assessment and Referral Agency	Yes
Other	N/A

Council Referrals

<i>INTERNAL REFERRAL SPECIALIST</i>	<i>REFERRAL / RESPONSE</i>
Development Engineer	Council's Development Engineer provided advise on Infrastructure Charges and engineering conditions.
Infrastructure Charges Unit	Council adopted the LGIP on 24 June 2019 which commenced on 1 July 2019. The types of developments that may trigger the issuing of an infrastructure charges notice are: <ul style="list-style-type: none"> • Reconfiguring a lot; • Making a material change of use; • Carrying out building work. Refer to Attachment B for the Infrastructure Charges Notice

Public Notification

Date Notification Commenced	15 June 2023
Date Notification Completed	7 July 2023
Date notice of compliance received	10 July 2023

No Submissions were received during the public notification period.

6. RECOMMENDATION

That Council approve the development permit for a Reconfiguring a Lot (1 Lot into 2 Lots) at 46 Kingaroy Burrandowan Road, Taabinga (formally described as Lot 2 on RP174630) – Applicant – S Neal c/- ONF Surveyors.

Grounds to support the development –

- The subdivision is appropriate for the site and anticipated by the planning scheme.
- Services are 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 allotment has been conditioned by SARA.

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

ATTACHMENTS

1. **Attachment A - Statement of Reasons**
2. **Attachment B - Infrastructure Charges Notice**
3. **Attachment C - Approved Plan**
4. **Attachment D - Referral Agency**

NOTICE ABOUT DECISION – STATEMENT OF REASONS

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

Applicant:	S Neal C/- ONF Surveyors
Application No:	RAL23/0006
Proposal:	Reconfiguring a Lot – Subdivision (1 Lot into 2 Lots)
Street Address:	46 Kingaroy Burrandowan Road, Taabinga
RP Description:	Lot 2 on RP174630
Assessment Type:	Impact Assessable
Number of Submissions:	No submissions received

On 14 September 2023 the above development was recommended for:

- Approval
 Refusal

1. Reasons for the Decision

The reasons for this decision are:

- The subdivision is appropriate for the site and anticipated by the planning scheme.
- Services are 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 allotment has been conditioned by SARA.

2. Assessment Benchmarks

The following are the benchmarks apply to this development:

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

3. Compliance with Benchmarks

The development was assessed against all the assessment benchmarks listed above and complies with all of these or can be conditioned to comply.

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

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

APPLICANT: S Neal
C/- ONF Surveyors
PO Box 896
KINGAROY QLD 4610

APPLICATION: Reconfiguration of a Lot - Subdivision (1 Lot into 2 Lots) - Impact Assessable

DATE: 30/08/2023

FILE REFERENCE: RAL23/0006

AMOUNT OF THE LEVIED CHARGE: **\$14,261.00** **Total**
(Details of how these charges were calculated are shown overleaf)

\$9,842.00	Water Supply Network
\$0.00	Sewerage Network
\$2,410.00	Transport Network
\$2,009.00	Parks and Land for Community Facilities Network
\$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 2 on RP174630

SITE ADDRESS: 46 Kingaroy-Burrandowan Rd, Taabinga

PAYABLE TO: South Burnett Regional Council

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

OFFSET OR REFUND: Not Applicable.

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