

### DETAILS OF CALCULATION

#### Water Supply

##### Adopted Charges

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

##### Discounts\*

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

#### Sewerage

##### Adopted Charges

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

##### Discounts\*

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

#### Transport

##### Adopted Charges

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

##### Discounts\*

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

#### Parks and Land for Community Facilities

##### Adopted Charges

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

##### Discounts\*

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

**Stormwater**

**Adopted Charges**

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

**Discounts\***

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

**Levied Charges**

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Reconfiguring a Lot (1 into 2)	\$9,842.00	\$0.00	\$2,410.00	\$2,009.00	\$0.00	\$14,261.00
<b>Total</b>	<b>\$9,842.00</b>	<b>\$0.00</b>	<b>\$2,410.00</b>	<b>\$2,009.00</b>	<b>\$0.00</b>	<b>\$14,261.00</b>

*\* 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 average<sup>1</sup>. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.

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

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

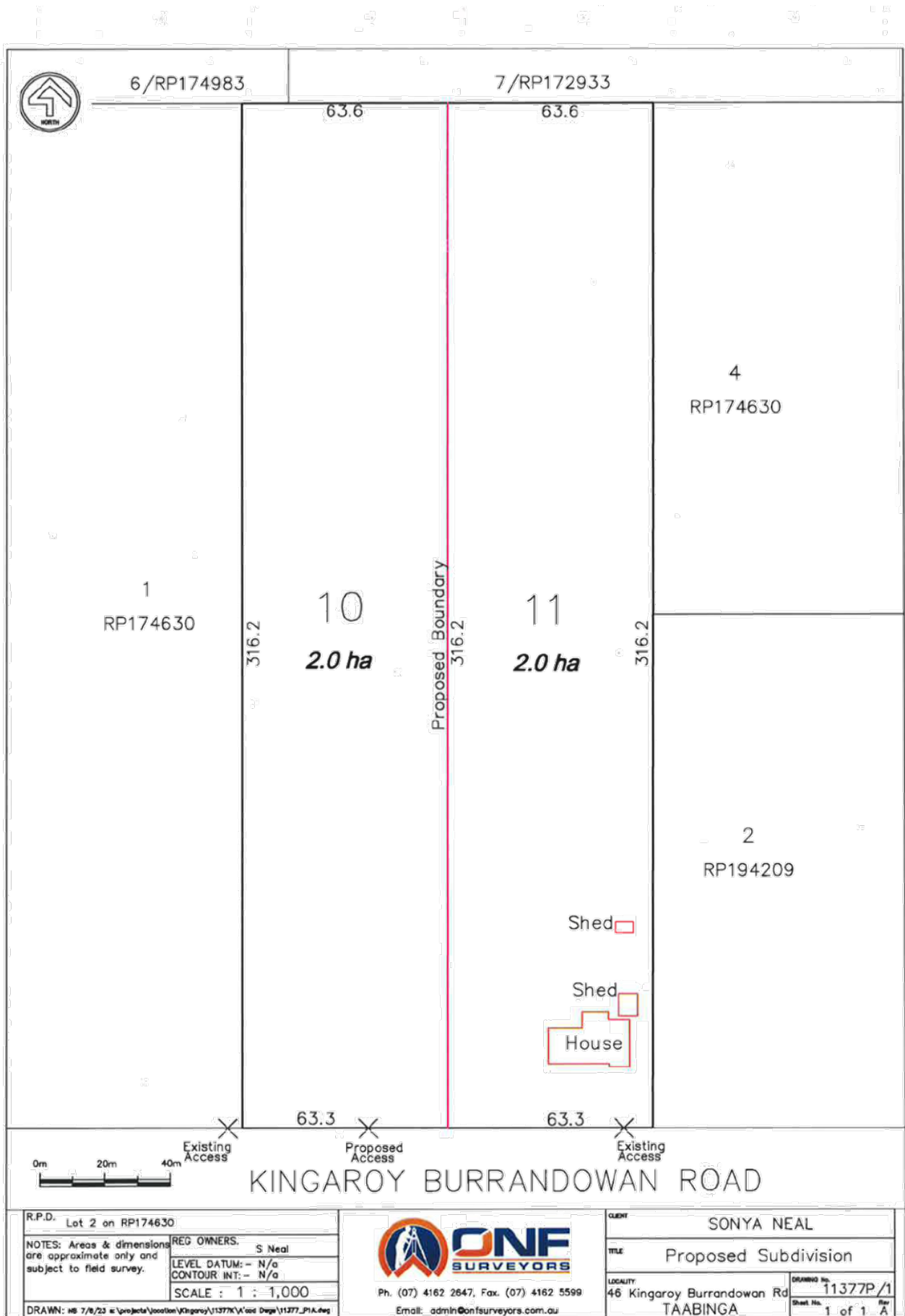
Payment can be made at any of the following South Burnett Regional Council Offices:

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







Our ref TMR23-039207  
 Your ref 11377K  
 Enquiries Ian Leyton



Department of  
**Transport and Main Roads**

23 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 road<sup>1</sup>

Development application reference number RAL23/0006, lodged with South Burnett Regional Council involves constructing or changing a vehicular access between Lot 2RP174630, the land the subject of the application, and Kingaroy Burrandowan Road (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 Sonya Neal C/- ONF Surveyors  
 PO Box 896  
 Kingaroy QLD 4610

**Application Details**

Address of Property 46 Kingaroy-Burrandowan Road, Taabinga QLD 4610  
 Real Property Description 2RP174630  
 Aspect/s of Development Development Permit for Reconfiguration of a Lot for Subdivision of 1 Lot into 2

**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 locations for proposed lot 10 is at approximately 40metres from the western boundary and for proposed lot 11 at approximately 57 metres from the western boundary (the existing access), in accordance with Proposed Subdivision prepared by ONF Surveyors dated 7/6/23 reference 11377P/1 as amended by the Department of Transport and Main Roads on the 23 June 2023.	At all times.

<sup>1</sup> 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) 5482 0367  
 Website www.tmr.qld.gov.au  
 Email WBB.IDAS@tmr.qld.gov.au  
 ABN: 39 407 690 291

Document Set ID: 3051112  
 Version: 1, Version Date: 03/07/2023



No.	Conditions of Approval	Condition Timing
2	Road access works comprising rural accesses, size to be determined at time of construction, must be provided at the permitted access location, generally in accordance with: Rural Property Access prepared by Department of Transport and Main Roads dated 07/2020 reference Standard Drawing No. 1807.	Prior to submitting the Plan of Survey to the local government for approval
3	Maintenance of the access location and standard remains the responsibility of the land owner.	At all times.

### Reasons for the decision

The reasons for this decision are as follows:

- a) A development application has been lodged for a reconfiguration of a lot 1 into 2.
- b) The state-controlled road gazettal for the Kingaroy-Burrandowan Road, made under the *Transport Infrastructure Act 1994*, extends across the entire frontage of the site where formed road is present. As such access at the location proposed is taken to be access to a state-controlled road.
- c) Access between a state-controlled road and adjacent land is managed by the Department of Transport and Main Roads under the *Transport Infrastructure Act 1994*.
- d) To ensure the safety of the Kingaroy-Burrandowan Road is not adversely impacted by access associated with the additional lot.
- e) The Kingaroy-Burrandowan Road has low traffic an AADT of 639 vehicles per day; therefore, an additional access in a rural residential area is considered low risk.
- f) Accesses at the locations proposed should not create an unreasonable impact on the safe operation of Kingaroy-Burrandowan Road, if maintained according to the conditions above and used in accordance with the road rules.
- g) To ensure vehicles can safely access to and from the proposed lots and Kingaroy-Burrandowan Road at all times.

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

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. 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

1. 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.

2. 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.
3. 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 the department to carry out 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. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Ian Leyton, Senior Advisor (Corridor Management) should be contacted by email at [WBB.IDAS@tmr.qld.gov.au](mailto:WBB.IDAS@tmr.qld.gov.au) or on (07) 5482 0367.

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 - Permitted Road Access Location Plan

## 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 under the *Transport Infrastructure Act 1994*.
- Section 62 of the *Transport Infrastructure Act 1994* allows the department to decide about road access.
- Sight distance for the Lot 10 access location has been identified as 210m to the west and approximately 390m to the east which exceeds the sight distance requirements in a 100km/hr speed environment for property accesses in accordance with the Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections.
- Although the Department of Transport and Main Roads *Vehicular access to state-controlled roads policy: management of access between adjacent land and state-controlled roads, July 2019* (VAP) states the number of direct access locations should be reduced, the additional access is acceptable due to the separation distance between the accesses.
- The new access location should not create an unreasonable impact on the safe operation of Kingaroy-Burrandowan Road, if maintained according to the conditions above and used in accordance with the road rules.
- Provision of accesses to the Department of Transport and Main Roads' minimum standard will ensure vehicles move onto and from the Kingaroy-Burrandowan Road in a safe manner.

#### 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 1 March 2023	---	
Vehicular access to state-controlled roads policy: management of access between adjacent land and state-controlled roads	Department of Transport and Main Roads	July 2019	---	
Road Planning and Design Manual 2 <sup>nd</sup> Edition	Department of Transport and Main Roads	Current as at June 2022	---	

<b>Proposed Subdivision Plan</b>	<b>ONF Surveyors</b>	<b>7/6/23</b>	<b>11377P/1</b>	<b>A</b>
<b>Email: Information Request Response</b>	<b>ONF Surveyors</b>	<b>7 June 2023</b>	<b>2305-34449</b>	<b>--</b>
<b>Austrroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections</b>	<b>Austrroads</b>	<b>29 May 2023</b>	<b>--</b>	<b>--</b>

**Attachment B****Section 70 of TIA***Transport Infrastructure Act 1994*

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

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**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

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### **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.

RA6-N



SARA reference: 2305-34449 SRA  
 Council reference: RAL23/0006  
 Applicant reference: 11377K

30 June 2023

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

Attention: David Hursthouse

Dear Mr Hursthouse

## SARA referral agency response—46 Kingaroy Burrandowan Road, Taabinga

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 3 May 2023.

### Response

Outcome:	Referral agency response – with conditions
Date of response:	30 June 2023
Conditions:	The condition in <b>Attachment 1</b> must be attached to any development approval
Advice:	Advice to the applicant is in <b>Attachment 2</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>

### Development details

Description:	Development Permit for Reconfiguring a Lot – Subdivision (1 Lot into 2 Lots)
SARA role:	Referral agency
SARA trigger:	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
SARA reference:	2305-34449 SRA

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

Document Set ID: 3051112  
 Version: 1, Version Date: 03/07/2023

2305-34449 SRA

**Assessment manager:** South Burnett Regional Council  
**Street address:** 46 Kingaroy Burrandowan Road, Taabinga  
**Real property description:** Lot 2 on RP174630  
**Applicant name:** Sonya Neal C/- ONF Surveyors  
**Applicant contact details:** PO Box 896  
KINGAROY QLD 4610  
admin@onfsurveyors.com.au

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

- Approved
- Reference: TMR23-039207
- Date: 23 June 2023

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

## 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 (s.30 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.

For further information please contact Felix Wong, Graduate Planner, on 07 3452 6702 or via email [WBBSARA@dSDLGP.qld.gov.au](mailto:WBBSARA@dSDLGP.qld.gov.au) who will be pleased to assist.

Yours sincerely



David Hooper  
Manager

cc Sonya Neal C/- ONF Surveyors, [admin@onfsurveyors.com.au](mailto:admin@onfsurveyors.com.au)

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 provisions  
Attachment 5 - Documents referenced in conditions

2305-34449 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 documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
	<p>10.9.4.2.1.1 – Reconfiguring a lot near a state transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of 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 condition(s):</p>	
1.	<p>a) The road access location for Proposed Lot 10 to Kingaroy-Burandowan Road is to be located approximately 40 metres from the existing western boundary, generally in accordance with the Proposed Subdivision prepared by ONF Surveyors, dated 7/6/23, drawing no. 11377P/1, Sheet 1 of 1 and revision A, as amended in red by SARA.</p> <p>b) The road access location for Proposed Lot 11 to Kingaroy-Burandowan Road is to be located approximately 57 metres from the existing western boundary, generally in accordance with the Proposed Subdivision prepared by ONF Surveyors, dated 7/6/23, drawing no. 11377P/1, Sheet 1 of 1 and revision A, as amended in red by SARA.</p> <p>c) Road access works comprising a rural property access to a minimum Type A standard must be provided at the road access locations identified in parts (a) and (b) of this condition.</p> <p>d) The road access works must be designed and constructed in accordance with the following standards:</p> <ul style="list-style-type: none"> <li>• Rural Property Access prepared by the State of Queensland (Department of Transport and Main Roads), dated 07/2020, standard drawing no. 1807, drawing 1 of 2 and revision A</li> <li>• Rural Property Access prepared by the State of Queensland (Department of Transport and Main Roads), dated 07/2020, standard drawing no. 1807, drawing 2 of 2 and revision A</li> <li>• Department of Transport and Main Roads' relevant standards and specifications.</li> </ul>	<p>(a) and (b) At all times</p> <p>(c) and (d):</p> <p>Prior to submitting the Plan of Survey to the local government for approval</p>

2305-34449 SRA

## 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.
Road Access Works	
2.	<p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road. Please contact the Department of Transport and Main Roads (Wide Bay Burnett District) at <a href="mailto:WBB.IDAS@tmr.qld.gov.au">WBB.IDAS@tmr.qld.gov.au</a> or on (07) 5563 6600 to make an application for works in the state-controlled road reserve. This written approval must be obtained prior to commencing any works on the state-controlled road reserve.</p> <p>Please note the approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>It is advised that contact with the Department of Transport and Main Road should be made as soon as possible to ensure that gaining approval does not delay construction.</p>

### Attachment 3—Reasons for referral agency response

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

#### The reasons for the SARA's decision are:

The development complies with State code 1: Development in a state-controlled road environment of the SDAP. Specifically, the development:

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road
- does not adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
- does not adversely impact the function and efficiency of state-controlled roads or future state-controlled roads
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure
- does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure
- maintains or improves access to public passenger transport infrastructure or active transport infrastructure
- does not adversely impact the state's ability to operate public passenger services on state-controlled roads
- protects community amenity from significant adverse impacts of environmental emissions generated by road transport infrastructure or vehicles using state-controlled roads.

#### Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- SDAP (version 3.0), as published by SARA
- Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*.

### Attachment 4—Representations about a referral agency response provisions

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## 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 Rules<sup>1</sup> regarding **representations about a referral agency response**

### Part 6: Changes to the application and referral agency responses

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#### 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<sup>2</sup>
- 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.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> 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.<sup>3</sup>

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<sup>3</sup> 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.



2305-34449 SRA

## Attachment 5—Documents referenced in conditions

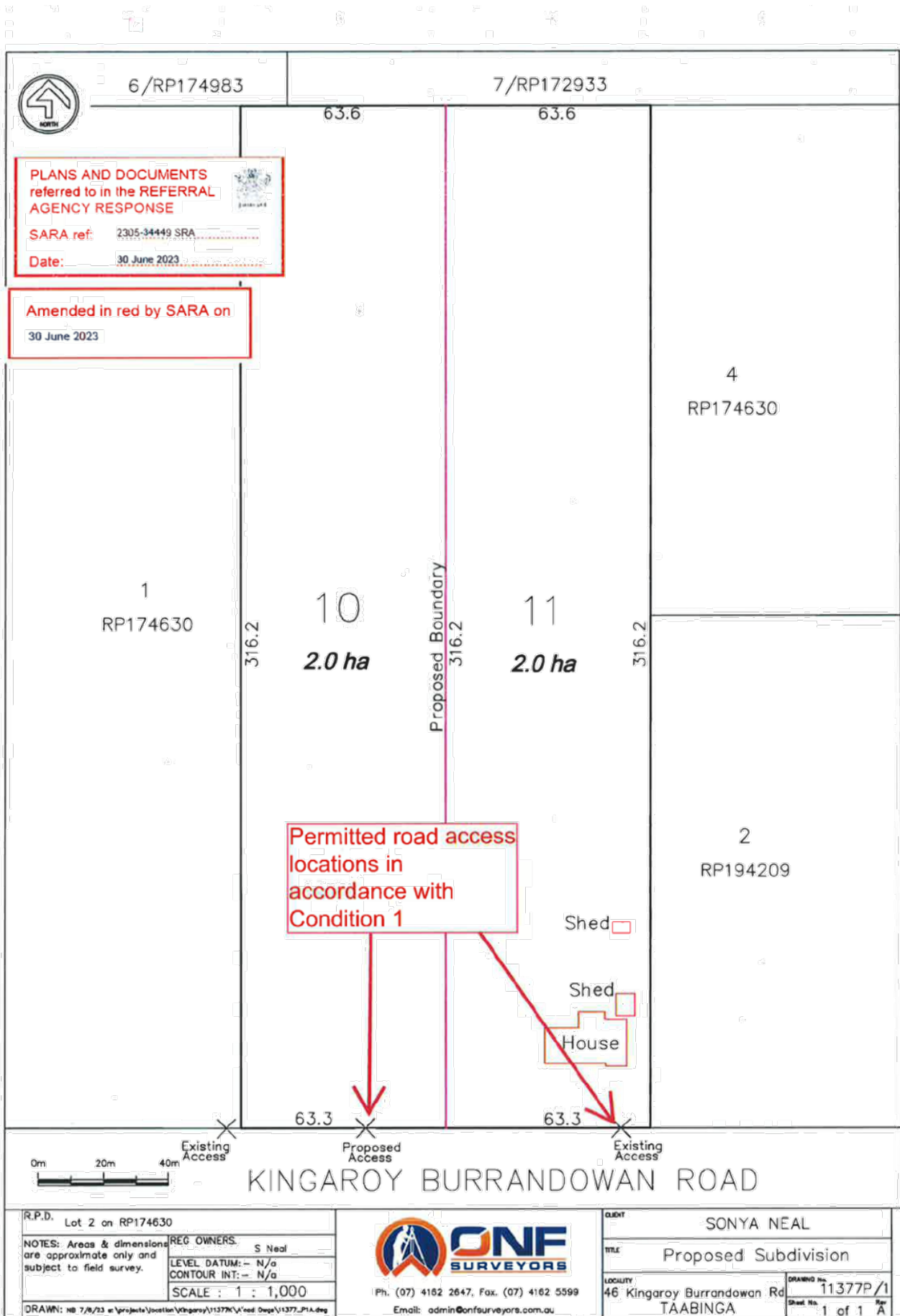
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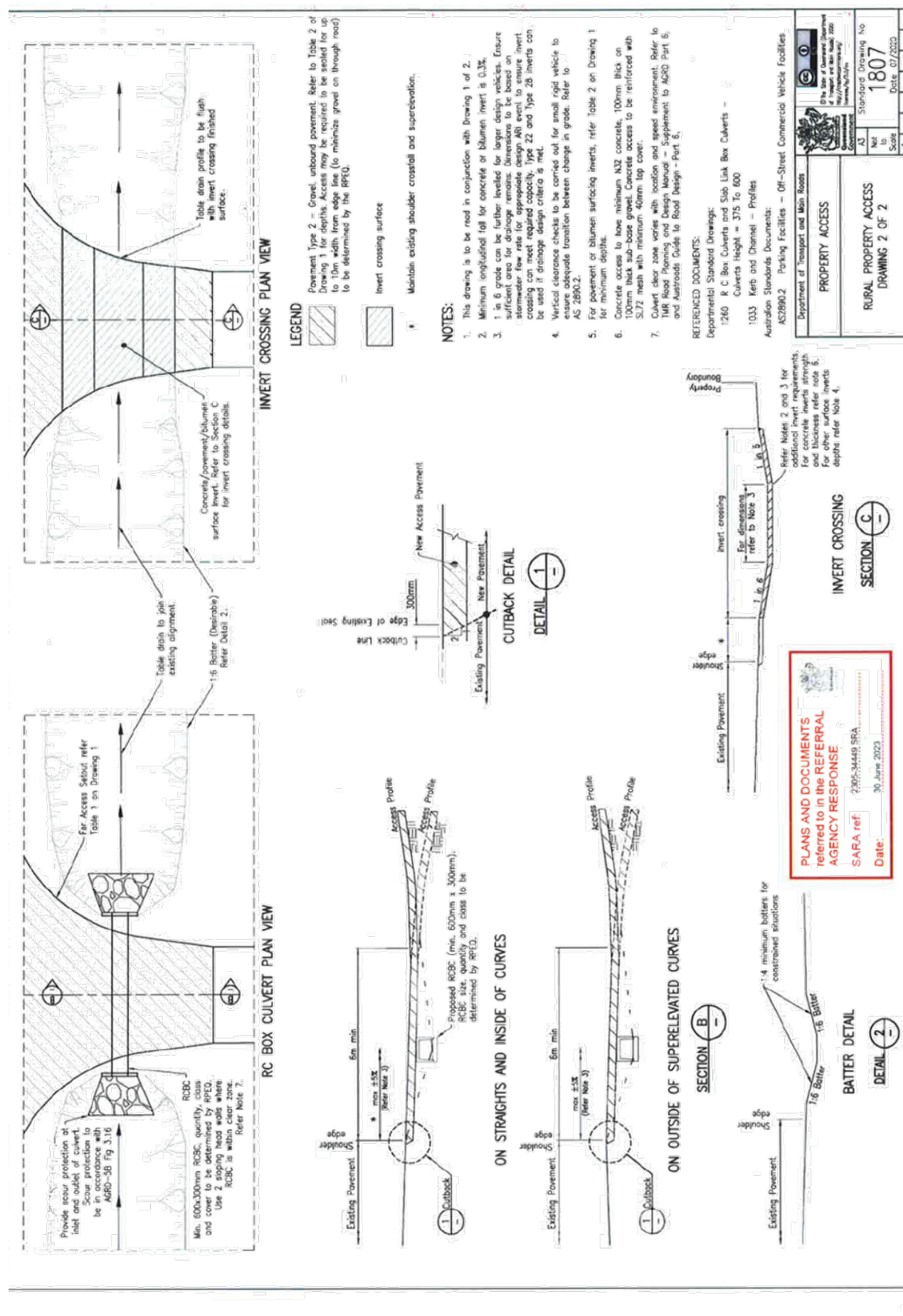
State Assessment and Referral Agency

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Document Set ID: 3051112  
Version: 1, Version Date: 03/07/2023







Document Set ID: 3065114  
Version: 1, Version Date: 03/07/2023



**0.0 RECONFIGURATION OF A LOT - SUBDIVISION (2 LOTS INTO 4 LOTS) AT 31 & 33 VERDELHO DRIVE, MOFFATDALE (AND DESCRIBED AS LOTS 130 & 131 ON SP191465). APPLICANT: BRIDGEMAN NOMINEES C/- ONF SURVEYORS**

**File Number:** RAL23/0011  
**Author:** Planning Consultant  
**Authoriser:** Chief Executive Officer

coordinator development services MANAGER	SIGNATURE	DATE
GM	[Redacted Signature]	20/09/23
CEO	[Redacted Signature]	12-09-23

**PRECIS**

Reconfiguring a Lot – Subdivision (2 Lots into 4 Lots) at 31 & 33 Verdelho Drive, Moffatdale (and described as Lots 130 & 131 on SP191465). Applicant: Bridgeman Nominees C/- ONF Surveyors

**SUMMARY**

- Application for a Development Permit for Reconfiguring a Lot (2 Lots into 4 Lots) at 31 & 33 Verdelho Drive, Moffatdale (Lots 130 & 131 on SP191465);
- The proposed development will result in four (4) lots with access to Verdelho Drive, two of which are rear lots which are to be accessed via adjoining 7-metre-wide access handles.
- The subject site is located in the Rural Residential Zone under the South Burnett Regional Council Planning Scheme.
- The proposal triggered Impact Assessment as the proposed lots do not meet the minimum lot size of two hectares as prescribed for the Rural Residential Zone.
- The subject site has an area of 1.7948 hectares.
- The development application is assessed against the entirety of the South Burnett Regional Council Planning Scheme including:
  - Strategic Framework
  - Rural Residential Zone Code
  - Reconfiguring a Lot Code
  - Services and Works Code
- The application triggered referral to SARA as the site is adjacent to a State-Controlled Road (Barambah Road).
- Council did not issue an information request.
- The application has been assessed and the proposal generally meets the requirements of the Planning Scheme and relevant codes or has been conditioned to comply (refer Attachment A – Statement of Reasons).
- Refer Attachment B – Infrastructure Charges Notice.
- Refer Attachment C – SARA decision.
- The application has been recommended for approval, subject to reasonable and relevant conditions.

**OFFICER'S RECOMMENDATION**

That Council approve the Development Permit for Reconfiguration of a Lot (2 Lots into 4 Lots) at 31 & 33 Verdelho Drive, Moffatdale (formally described as Lots 130 & 131 on SP191465).

**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	11435P/1	-	8/5/2023

**Timing:** At all times.

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 \$208.00 (4 x \$52.00); 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. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's Development Manual and Standard Drawings, relevant Australian Standards, Codes of Practice, WBBROC Regional Standards Manual and relevant design manuals.

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

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

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

- ENG5. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development.

#### **STORMWATER MANAGEMENT**

- ENG6. Ensure that the development will achieve "no nuisance" as described in the Queensland Urban Drainage Manual (QUDM) to all downstream properties including road reserves and the like for design storms of ARI2, ARI5, ARI10, ARI20 and ARI50.
- ENG7. 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.
- ENG8. 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).
- ENG9. 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**

- ENG10. Future Dwellings shall provide a 45kl water tank for consumption purposes and an additional 22.5kl water storage located no more than 10m from the main dwelling is available for firefighting purposes.

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

- ENG11. 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.

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

#### **VEHICLE ACCESS**

- ENG12. Construct a gravelled driveway crossover having a minimum width of 4 metres in accordance with Council's Standard Drawing 00049, to access each proposed lot.

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

- ENG13. For proposed lots 2 and 3, construct a driveway comprising 100mm compacted gravel for a 4m width for full length of the access handle.
- ENG14. For proposed lots 2 and 3, design and construct all services along the full length of the access strip.

#### **RESTRICTED ACCESS**

- ENG15. No vehicular access is permitted to Barambah Road from proposed Lots 1 or 2.

#### **TELECOMMUNICATION**

- ENG16. Provide telecommunications to all lots within the development.

#### **ELECTRICITY**

- ENG17. 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. Nb. Alternate power is not supported in this zone.



**EROSION AND SEDIMENT CONTROL - GENERAL**

- ENG18. 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.
- ENG19. 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**

- 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 Assessment and Referral Agency has imposed conditions on the development permit - refer Attachment C.

**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.

**REPORT****1. APPLICATION DETAILS**

Site address	31 & 33 Verdelho Drive, Moffatdale		
Real property description	Lot 130 on SP191465 & Lot 131 on SP191465		
Easements or encumbrances on title	Not applicable		
Area of Site	1.7948 hectares		
Current Use	Vacant		
Environmental Management Register or Contaminated Land Register	Not applicable		
Applicant's name	Bridgeman Nominees Pty Ltd c/- ONF Surveyors		
Zone	Rural Residential		
Applicable Overlays	OM6 – Water Catchments Overlay – Water Resource Catchment Area OM8 – Agricultural Land Overlay – Class B Land		
Proposed use as defined	N/A		
Details of proposal	Reconfiguring a Lot (RALs)		
	• Number of existing lots	Two (2) lots	
	• Easements or leases proposed	N/A	
	• Number of proposed lots	Four (4) lots	
	• Lot areas	Lot 1 – 5,005m <sup>2</sup> Lot 2 – 4,512m <sup>2</sup> Lot 3 – 4,320m <sup>2</sup> Lot 4 – 4,108m <sup>2</sup>	
	• Access	Verdelho Drive	
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	- Not applicable		
Key planning issues e.g. vegetation, waterway corridors, overland flow	- Lot size		
Referral agencies	Agency	Concurrence/ Advice	
	SARA	State-controlled road	
Public notification	Yes – 15 business days		
Planning Regulation 2017	N/A		

**2. THE SITE**

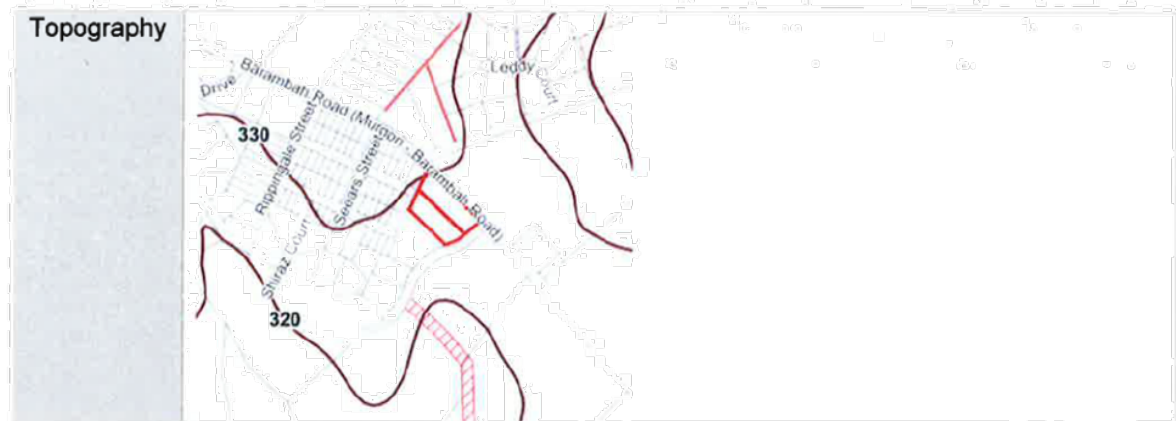
This section of the report provides a description of the site, details about the existing use and notable characteristics of the site, the standard of servicing, and the form of development in the immediately locality.

**2.1. SITE DESCRIPTION & EXISTING USE**

The subject site is located at 31 & 33 Verdelho Drive, Moffatdale and is formally described as Lot 130 & 131 on SP191465. The subject site is currently vacant, clear of any vegetation or structures. The land includes a frontage of 183.6 metres to Barambah Road, 113.9 metres to an unconstructed road, and 101 metres to Verdelho Drive, where access is currently obtained.

Table 1 – Maps & Descriptions (Source: Intramaps)

<p><b>Site</b></p>		
<p><b>Zoning</b></p>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Zoning Level:</li> <li><input checked="" type="checkbox"/> Centre</li> <li><input checked="" type="checkbox"/> Community Facilities</li> <li><input checked="" type="checkbox"/> Emerging Communities</li> <li><input checked="" type="checkbox"/> Environmental Managers</li> <li><input checked="" type="checkbox"/> Extrastate Industry</li> <li><input checked="" type="checkbox"/> General Residential</li> <li><input checked="" type="checkbox"/> Industry</li> <li><input checked="" type="checkbox"/> No</li> <li><input checked="" type="checkbox"/> Recreation and Open Sp</li> <li><input checked="" type="checkbox"/> Rural</li> <li><input checked="" type="checkbox"/> Rural Residential</li> <li><input checked="" type="checkbox"/> Specialised Centre</li> <li><input checked="" type="checkbox"/> Township</li> </ul>	
<p><b>Overlays</b></p>	<p><b>Agricultural Overlay</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Important Agricultural Areas</li> <li><input checked="" type="checkbox"/> Agricultural Land Classification</li> <li><input checked="" type="checkbox"/> A</li> <li><input checked="" type="checkbox"/> B</li> </ul>	<p><b>Water Catchments Overlay</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Water Catchment</li> <li><input checked="" type="checkbox"/> Water Resource Catchment Areas</li> <li><input checked="" type="checkbox"/> Water Supply Buffer Area</li> <li><input checked="" type="checkbox"/> Dam Buffer</li> </ul>
<p><b>Services</b></p>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Stormwater</li> <li><input checked="" type="checkbox"/> Pits and Manholes</li> <li><input checked="" type="checkbox"/> Stormwater Headwalls</li> <li><input checked="" type="checkbox"/> Stormwater Pipes</li> </ul> <p>No other reticulated services available</p>	



## 2.2. DEVELOPMENT HISTORY OF THE SITE

An approval for Reconfiguring a Lot (2 Lots into 4 Lots) was granted for 31 and 33 Verdelho Drive, Moffatdale on 20 February 2008 by Murgon Shire Council (DA 101/07). The proposed lots were included in a different configuration to the current application, with all lots gaining access from Verdelho Drive. The approval has subsequently lapsed.

## 3. PROPOSAL DETAILS

The Applicant seeks a Development Permit for Reconfiguration of a Lot (2 Lots into 4 Lots). The proposed lot reconfiguration will result in four lots which gain access from Verdelho Drive which include the following areas:

- Lot 1: 5,005m<sup>2</sup>
- Lot 2: 4,512m<sup>2</sup>
- Lot 3: 4,320m<sup>2</sup>
- Lot 4: 4,108m<sup>2</sup>

**Attachment C** includes the proposed subdivision 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
- 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 has the ability to regulate and prohibit development and determines the assessment manager and the matters that trigger State interests.

<b>PLANNING REGULATION 2017 DETAILS</b>	
<b>Assessment Benchmarks:</b>	NA
<b>WBB Regional Plan Designation:</b>	Wide Bay Burnett Regional Plan 2011 – Rural Living Area  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.  Rural Living Area Principles: <ul style="list-style-type: none"> <li>- Productive rural land is preserved.</li> <li>- Rural residential areas are not located in areas of high ecological significance.</li> </ul>

	<ul style="list-style-type: none"> <li>- Natural hazards such as flooding, bushfire and landslide do not cause an unacceptable risk to life and property.</li> <li>- All weather access to a community of interest is available.</li> <li>- Rural residential areas are located in proximity to towns where a minimum of local services are available to support residents.</li> <li>- 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.</li> <li>- Suitable infrastructure is available or can be provided to support future residents.</li> <li>- Land management practices, such as weed and pest control and bushfire management, can be practically accommodated.</li> <li>- Inclusion of land in the Rural Living Area considers the whole-of-life costs of the development.</li> </ul> <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>
<b>Adopted Economic Support Instrument</b>	<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><b>Economic support provisions</b></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>

#### 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 requires referral to SARA due to being within proximity of a State transport corridor and State-controlled road intersection as demonstrated in **Table 2**.

*Note: Grey shading indicates no provisions.*

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

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

Part	Matter	Applicability to this Development Application	Prohibited Development	Assessable Development	Referral Agency	Assessment Benchmarks / Matters to be assessed against
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 Generally - State Transport Corridors and Future State Transport Corridors - State-controlled transport tunnels and future state-controlled transport tunnels	N/A N/A N/A N/A Yes N/A			SARA (Department of Transport and Main Roads)	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1
10	Koala Habitat in SEQ region	N/A	N/A	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		N/A
13	Ports: - Brisbane Core Port Land - Within the port limits of the Port of Brisbane - Within the limits of another port - Priority Ports - Strategic Port Land	N/A N/A N/A N/A N/A		N/A		N/A



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
15	SEQ Development Area	N/A		N/A	N/A	N/A
16	SEQ Regional Landscape and Rural Production Area and Rural Living Area: - Reconfiguring a Lot - Tourist or sport and recreation activity - Community Activity - Indoor Recreation - Residential Development - Urban Activity - Combined Uses	N/A N/A N/A N/A N/A N/A 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 1 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"> <li>• Agriculture.</li> <li>• Development and construction.</li> <li>• Mining and extractive resources.</li> <li>• Tourism.</li> </ul>	The site is within an important agricultural area and contains some Class A 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 lots are within a rural residential locality.
Planning for the environment and heritage. <ul style="list-style-type: none"> <li>• Biodiversity.</li> <li>• Coastal environment.</li> <li>• Cultural heritage.</li> <li>• Water quality</li> </ul>	The site contains some category R regulated vegetation, however the proposed development should not significantly impact upon these biodiversity values as the proposal will not result in the interference with or removal of any significant vegetation.
Safety and resilience to hazards <ul style="list-style-type: none"> <li>• Emissions and hazardous activities.</li> <li>• Natural hazards, risk, and resilience.</li> </ul>	No applicable assessment benchmarks.
Infrastructure <ul style="list-style-type: none"> <li>• Energy and water supply.</li> <li>• Infrastructure integration.</li> <li>• Transport infrastructure.</li> <li>• Strategic airports and aviation facilities.</li> <li>• Strategic ports.</li> </ul>	The proposed development will not have a significant impact upon State infrastructure.

#### 4.4. DEVELOPMENT CODE ASSESSMENTS

Pursuant to Section 5.6, Table 5.6.1 – Level of Assessment in the Rural Residential Zone, an application for Reconfiguring a Lot is subject to Impact Assessment as the proposed lots do not meet the minimum prescribed lot size. 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 the relevant themes included under the Strategic Framework is included below.

##### Section 3.2 Settlement Pattern

The proposed lot reconfiguration complies with the strategic outcomes set out in Section 3.2 as the proposal provides additional land for future rural residential development in an area with adequate access to services, infrastructure, and the Murgon town centre. While the proposal results in smaller lot sizes than prescribed in the Planning Scheme, the site is surrounded by similarly sized lots in the Rural Residential zone.

##### Section 3.3 Rural Futures

The proposal complies 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. The site is identified within an important agricultural area on the Agricultural Overlay and State Planning Policy (SPP) mapping however, the proposal is not considered to have any significant impacts upon the productivity of rural land. Murgon Barambah Road and Verdelho Drive provide adequate buffers to the surrounding Rural-zoned land.

**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 and does not involve incompatible development that has the potential to 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 four rural residential lots with adequate access to services, roads, and the Murgon 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 electricity infrastructure at the road frontage, with other infrastructure connections possible. Further, the proposed development will not significantly increase traffic to the surrounding road network.

**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 four lots that facilitate future rural residential development.

The following table sets out an assessment of the proposal against the performance outcomes for 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
<b>General</b>		
<p><b>PO1</b> Buildings and structures must complement the semi-rural character of nearby development and protects residential amenity.</p>	<p><b>AO1.1</b> Site cover does not exceed 10%.</p> <p>and</p> <p><b>AO1.2</b> Buildings and structures are not higher than 8.5m above ground level.</p> <p>and</p> <p><b>AO1.3</b> Buildings have a minimum set back of: (a) 10m to the road frontage; (b) 6m to a side or rear boundary.</p> <p>and</p> <p><b>AO1.4</b> The maximum length of any façade without articulation or change of materials is 15m.</p> <p>and</p> <p><b>AO1.5</b> On-site storage areas visible from outside the site are screened by a 1.8m high fence along intervening boundaries.</p> <p>and</p> <p><b>AO1.6</b> Outdoor lighting is designed, installed and maintained in accordance with AS4282 – Control of the Obtrusive Effects of Outdoor Lighting.</p>	<p><b>Not Applicable</b> The proposal is for a lot reconfiguration only.</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
<p><b>PO2</b> Development minimises the potential for reverse amenity impacts for adjoining existing non-residential activities.</p>	<p><b>AO2.1</b> A well-maintained vegetative buffer is provided on the residential land between the residential development and adjacent existing non-residential use.</p>	<p><b>Not Applicable</b> There are no adjacent non-residential uses.</p>
<p><b>PO3</b> Dwellings are to be adequately serviced.</p>	<p><b>AO3.1</b> Where in a reticulated water supply area, development is to be connected to the supply network.</p> <p>and</p> <p><b>AO3.2</b> Where reticulated water supply is not available, a 45kl water tank is provided for each dwelling for consumption purposes and an additional 22.5kl water storage located no more than 10m from the main dwelling is available for fire fighting purposes.</p> <p>and</p> <p><b>AO3.3</b> The provision of on-site sewerage treatment conforms to the requirements of the Queensland Plumbing and Wastewater Code.</p> <p>and</p> <p><b>AO3.4</b> Each dwelling is provided with a service line connection to the electricity supply and telecommunications networks.</p> <p>and</p> <p><b>AO3.5</b> Stormwater discharge must be to a lawful point of discharge or to downstream properties but only with the consent of the affected landowners.</p> <p>and</p> <p><b>AO3.6</b> Development has direct access to a sealed road.</p>	<p><b>Not Applicable.</b> The subject site is not located within a water supply area.</p> <p><b>Complies.</b> A condition has been recommended which requires a 45kl water tank be provided at the time of construction of a new dwelling house on the proposed lot.</p> <p><b>Complies.</b> On site wastewater treatment plants can be wholly contained within the proposed lots they serve.</p> <p><b>Complies.</b> Future dwellings can be connected to electricity and telecommunications.</p> <p><b>Complies</b> The lots are of sufficient size that stormwater from future houses is unlikely to be concentrated onto adjoining properties.</p> <p><b>Complies.</b> The site fronts Verdelho Drive which is a bitumen sealed road providing access to all four proposed lots.</p>
<p><b>PO4</b> Development is located and designed to ensure that land uses are not exposed to:</p> <ul style="list-style-type: none"> <li>(a) Areas that pose a health risk from previous activities; and</li> <li>(b) Unacceptable levels of contaminants.</li> </ul>	<p><b>AO4.1</b> Development does not occur:</p> <ul style="list-style-type: none"> <li>(a) In areas that pose a health risk from previous activities; and</li> <li>(b) On sites listed on the Contaminated Land Register or Environmental Management Register.</li> </ul> <p>or</p> <p><b>AO4.2</b> Areas that pose a health risk from pervious activities and contaminated soils which are subject to development are remediated prior to plan</p>	<p><b>Not Applicable.</b> 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
	sealing, operational works permit.	
<b>Section 2 Where in the vicinity of an existing intensive animal industry</b>	<b>Not Applicable. The subject site is not located within the vicinity of any existing intensive animal industry.</b>	
<b>Section 3 Home based business</b>	<b>Not Applicable. The proposed development is for reconfiguring a lot.</b>	
<b>Section 4 Secondary dwelling</b>	<b>Not Applicable. The proposed development is for reconfiguring a lot.</b>	
<b>Section 5 For development affected by one or more overlays</b>		
<b>Airport environs overlay</b>	<b>Not Applicable. The site is not identified on the Airport environs overlay</b>	
<b>Biodiversity overlay</b>	<b>Not Applicable. The site is not identified on the Biodiversity overlay.</b>	
<b>Bushfire hazard overlay</b>	<b>Not Applicable. The site is not identified on the Bushfire hazard overlay.</b>	
<b>Flood hazard overlay</b>	<b>Not Applicable. The site is not identified on the Flood hazard overlay.</b>	
<b>Landslide hazard overlay</b>	<b>Not Applicable. The site is not identified on the Landslide hazard overlay.</b>	
<b>Regional infrastructure overlay</b>	<b>Not Applicable. The site is not identified on the Regional infrastructure overlay.</b>	
<b>Water catchments overlay</b>		
<b>PO27</b> There are no significant adverse effects on the water quality of the Region's drinking water supply.	<b>AO27.1</b> Development within the Bjelke-Petersen Dam Water Resource Catchment Area and the 800m buffer to Boondooma and Gordonbrook Dams shown on Overlay Map 06 has no significant adverse effect on the quantity and availability of raw water for consumption, as determined by a suitably qualified water quality expert.	<b>Not Applicable.</b> The proposal is for a lot reconfiguration only.

### Summary of Compliance with Rural Residential Zone Code

The proposed development complies with, or can be conditioned to comply with, the acceptable outcomes of the Rural Residential Zone Code.

### Reconfiguring a Lot Code

Table 8.4.1—Assessable development

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
<b>Section 1 Boundary Realignment PO1 – PO2</b>	<b>Not Applicable. The proposed development is not for a boundary realignment.</b>	
<b>Section 2 Reconfiguration under a Community Title Scheme PO3 – PO6</b>	<b>Not Applicable. The proposed reconfiguration is not under a Community Title Scheme.</b>	
<b>Section 3 All other reconfiguration</b>		
<b>PO7</b> Allotments are of sufficient size and dimensions to meet the requirements of the users and provide for servicing of the intended use.	<b>AO7.1</b> Development provides that allotment area, dimension and shape are in accordance with the standards in Table 8.4.2.	<b>Complies with the Performance Criteria</b> The proposed lots will all result in four lots under the prescribed minimum area of 2 hectares in the Rural Residential zone. Despite the lots being smaller than intended in the Rural Residential zone, all four lots obtain access via a sealed road

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
	<p>And <b>AO7.2</b> The minimum allotment size for any rear allotment shall be calculated exclusive of the area of the access corridor of the allotment.</p> <p>And <b>AO7.3</b> Irregularly shaped allotments are designed to allow a building area of 15m by 10m to be setback 6m from the site frontage.</p>	<p>and are consistent in size with other lots in the surrounding area (which are also within the Rural Residential zone). It is considered that they are of sufficient size and dimensions to meet the future rural residential use, including servicing needs. As noted later, there are no opportunities for smaller lots in Moffatdale having regard to the existing zoning pattern</p> <p><b>Complies with the Performance Criteria</b> As above</p> <p><b>Not Applicable</b> The lots are not irregularly shaped.</p>
<p><b>PO8</b> Lots have lawful, safe and practical access.</p>	<p><b>AO8.1</b> Access is provided via either: (a) Direct road frontage; (b) Access strip with a minimum width of 3.5m (for rear lots only); or (c) Access easement with a minimum width of 6m (where lots only have legal road frontage that does not provide, safe or practical access to the existing street network).</p> <p>and <b>AO8.2</b> Newly created lots do not have direct access to sub-arterial or higher order roads.</p> <p>and <b>AO8.3</b> Except in the Rural Zone, new lots, are provided with access to a sealed road.</p>	<p><b>Complies.</b> Two of the lots have direct access to Verdelho Drive, while the other two lots are accessed from the road frontage via 7-metre-wide access strips.</p> <p><b>Complies.</b> The proposed lots gain access from Verdelho Drive.</p> <p><b>Complies.</b> Access for all four lots is to Verdelho Drive which is sealed.</p>
<p><b>PO9</b> The number of rear lots is minimised having regard to the outlook, topography of the site, intended land use and general amenity of the area.</p>	<p><b>AO9.1</b> Only one rear lot is provided behind each full street frontage regular lot.</p> <p>and <b>AO9.2</b> No more than two rear lot access strips directly adjoin each other.</p> <p>and <b>AO9.3</b> No more than two rear lots gain access from the head of a cul-de-sac.</p>	<p><b>Complies.</b> The proposal includes two rear lots which are positioned behind two full street frontage regular lots.</p> <p><b>Complies.</b> The proposal incorporates two rear lots with access strips directly adjoining each other.</p> <p><b>Not Applicable.</b> No lot gains access from the head of a cul-de-sac.</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
	and <b>AO9.4</b> Rear lots are only created where the site gradient is greater than 5%.	<b>Complies with Performance Outcome.</b> The site appears to be relatively flat however it is noted that the site is surrounded by similar rural residential development therefore the use of the lots for future residential development is considered consistent with the surrounding locality.
<b>PO10</b> The design and construction of new roads: (a) Maintain safe and efficient access to the transport network; (b) Creates integrated neighbourhoods; and (c) Are constructed to a standard that is commensurate with the intended use of allotments.	<b>AO10.1</b> Intersection shall be spaced at no less than 45m from any other intersection. and <b>AO10.2</b> Any intersections with existing roads shall be treated with a T-intersection or a roundabout. and <b>AO10.3</b> The road layout indicates connections to adjoining development sites. and <b>AO10.4</b> Other than in the Rural or Rural Residential Zones, new streets are provided with layback kerb and channel. or <b>AO10.5</b> In the Rural Residential Zone, new streets are provided with concrete flush kerbs and swale drains.	<b>Not Applicable.</b> The proposed development does not include any new roads.
<b>PO11</b> The provision of services is resistant to inclement weather and does not degrade the character of the area.	<b>AO11.1</b> Where the reconfiguration involves the opening of a new road, all electricity and telecommunications services are located underground.	<b>Not Applicable.</b> The proposed development does not include any new roads.
<b>PO12</b> 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.	<b>AO12.1</b> No outcome specified.	<b>Not Applicable.</b> Integration of walking and cycling networks are not relevant to this proposal in the Rural Residential Zone.
<b>PO13</b> Public open space is provided in response to community need.	<b>AO13.1</b> Public open space is provided in accordance with the Priority Infrastructure Plan.	<b>Not Applicable.</b> The proposed development does not require the provision of public open space.
<b>PO14</b> Reconfiguration into allotments less than 400m <sup>2</sup> in the Medium Density Residential zone is facilitated where design outcomes are consistent with expectations for the zone.	<b>AO14.1</b> Reconfiguration in the Medium Density Residential zone involving allotments less than 400m <sup>2</sup> where creating allotments for individual units in an approved and completed	<b>Not Applicable.</b> The subject site is located within the Rural Residential Zone.

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
	multiple dwelling or dual occupancy.	
<b>PO15</b> Reconfiguration into allotments less than 400m <sup>2</sup> in the Medium Density Residential zone is to provide for suitable living environments.	For allotments less than 400m <sup>2</sup> – <b>AO15.1</b> All lots are orientated to within 20° of north. <b>AO15.2</b> All lots are to be sized and shaped to accommodate a 10m x 20m rectangle.	<b>Not Applicable.</b> The subject site is located within the Rural Residential Zone.
<b>Section 4 All reconfiguring a lot subject to an overlay</b>		
<b>Agricultural land overlay</b>		
<b>PO16</b> The productive capacity and utility of agricultural land for rural activities is maintained.	<b>AO16.1</b> In the Rural zone only, no additional allotments are created in the area identified as agricultural land on SPP Interactive Mapping (Plan Making); or <b>AO16.2</b> In the Rural zone only, a Farm management plan prepared by a suitably qualified agronomist demonstrates that the existing productivity of the land area is not reduced.	<b>Not Applicable.</b> The site is within the Rural Residential Zone.

**Summary of Compliance with the Reconfiguring a Lot Code:**

The proposed development seeks to reconfigure two (2) existing lots to create four (4) lots. There is a Performance Outcome with respect to lot dimensions (which is also the trigger for impact assessment). In this case all proposed lots do not meet the minimum lot size however, are consistent with some surrounding lot sizes in the Rural Residential Zone. 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 proposal 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
<b>Section 1 General</b>		
<b>PO1</b> The development is planned and designed considering the land use constraints of the site for achieving stormwater design objectives.	<b>AO1.1</b> A stormwater quality management plan provides for achievable stormwater quality treatment measures that meet the design objectives identified in Table 9.4.4.	<b>Complies with the Performance Outcome.</b> 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.



Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
<p><b>PO2</b> Development does not discharge wastewater to a waterway or off-site unless demonstrated to be best practice environmental management for that site.</p>	<p><b>AO2.1</b> A wastewater management plan prepared by a suitably qualified person and addresses :</p> <ul style="list-style-type: none"> <li>(a) wastewater type;</li> <li>(b) climatic conditions;</li> <li>(c) water quality objectives;</li> <li>(d) best-practice environmental management;</li> </ul> <p>and</p> <p><b>AO2.2</b> Wastewater is managed in accordance with a waste management hierarchy that:</p> <ul style="list-style-type: none"> <li>(a) avoids wastewater discharge to waterways;</li> <li>or</li> <li>(b) minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and groundwater</li> </ul>	<p><b>Complies.</b> 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><b>PO3</b> Construction activities avoid or minimise adverse impacts on stormwater quality.</p>	<p><b>AO3.1</b> An erosion and sediment control plan addresses the design objectives for the construction phase in Table 9.4.4</p>	<p><b>Not Applicable.</b> 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><b>PO4</b> Operational activities avoid or minimise changes to waterway hydrology from adverse impacts of altered stormwater quality and flow.</p>	<p><b>AO4.1</b> Development incorporates stormwater flow control measures to achieve the design objectives for the postconstruction phase in Table 9.4.4.</p>	<p><b>Not Applicable.</b> Limited ground disturbance is proposed which would alter water flow paths across the land.</p>
<p><b>Section 2 Infrastructure</b></p>		
<p><b>PO5</b> Development is provided with infrastructure which:</p> <ul style="list-style-type: none"> <li>(a) conforms with industry standards for quality;</li> <li>(b) is reliable and service failures are minimised; and</li> <li>(c) is functional and readily augmented.</li> </ul>	<p><b>AO5.1</b> Except in the Rural zone, all development occurs on a site with frontage to a sealed road.</p> <p>and</p> <p><b>AO5.2</b> Infrastructure is designed and constructed in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>	<p><b>Complies.</b> The subject site fronts to Verdelho Drive which is bitumen sealed.</p> <p><b>Complies.</b> Limited infrastructure is proposed however the driveways and crossovers can be conditioned to meet the relevant standards.</p>
<p><b>Section 3 Vehicle Parking</b></p>		
<p><b>PO6</b> Vehicle parking and access is provided to meet the needs of occupants, employees, visitors and other users.</p>	<p><b>AO6.1</b> Vehicle parking spaces are provided on-site in accordance with Table 9.4.5.</p>	<p><b>Complies.</b> The proposal is for reconfiguring a lot only so no formal parking is warranted. The lots are sufficiently large</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
	<p>and</p> <p><b>AO6.2</b> A service bay is provided on-site for the service vehicle nominated in Table 9.4.5.</p> <p>and</p> <p><b>AO6.3</b> Driveway crossings are provided to the standard contained in PSP1 – Design and Construction Standards.</p> <p>and</p> <p><b>AO6.4</b> Vehicle parking and manoeuvring areas are provided in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>	<p>to accommodate future parking demands.</p> <p><b>Not Applicable.</b> A service bay is not required.</p> <p><b>Complies.</b> Driveways will be conditioned to comply with the standard.</p> <p><b>Complies.</b> Vehicle manoeuvring areas (including the new driveway for the proposed rear allotments) will be conditioned to comply with the standard.</p>
<b>Section 4 Landscaping</b>		
<p><b>PO7</b> Landscaping is appropriate to the setting and enhances local character and amenity.</p>	<p><b>AO7.1</b> Landscaping is provided in accordance with the relevant zone code provisions.</p> <p>and</p> <p><b>AO7.2</b> Where shade tree planting is required in vehicle parking areas each planting bed has a minimum area of 2m<sup>2</sup> and is unsealed and permeable.</p> <p>and</p> <p><b>AO7.3</b> Plantings along frontages or boundaries are in the form of defined gardens with three tier planting comprised of groundcovers, shrubs (understorey), and trees (canopy) and provided with a drip irrigation system, mulching and border barriers.</p>	<p><b>Not Applicable.</b> The proposed development is for reconfiguring a lot and will not involve any landscaping works as part of the proposal.</p>
<p><b>PO8</b> Plant species avoid adverse impacts on the natural and built environment, infrastructure and the safety of road networks.</p>	<p><b>AO8.1</b> Landscaping utilises plant species that are appropriate for the location and intended purpose of the landscaping.</p> <p>and</p> <p><b>AO8.2</b> Species selection avoids non-invasive plants.</p> <p><small>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.</small></p>	<p><b>Not Applicable.</b> The proposed development is for reconfiguring a lot and will not involve any landscaping works as part of the proposal.</p>
<p><b>PO9</b> Development results in ground levels that retain: (a) access to natural light; (b) aesthetic amenity; (c) privacy; and (d) safety.</p>	<p><b>AO9.1</b> The depth of: (a) fill is less than 2m above ground level; or (b) excavation is less than 2m below ground level.</p> <p>and</p> <p><b>AO9.2</b> The toe of the fill, or top of the excavation is not less than</p>	<p><b>Not Applicable.</b> 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</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
	0.5m inside the site property boundary. and <b>AO9.3</b> Works do not occur on slopes over 15% in grade. and <b>AO9.4</b> Retaining walls over 1m in height are terraced 1.5m for every 1m in height and landscaped. and <b>AO9.5</b> Batter slopes are not steeper than 25% and are grassed and terraced 1.5m for every 1m in height. and <b>AO9.6</b> Filling or excavation for the purpose or retention of water: (a) is certified by an RPEQ engineer to safely withstand the hydraulic loading; (b) directs overflow such that no scour damage or nuisance occurs on adjoining lots.	for new dwellings on the proposed lots.
<b>PO10</b> Filling or excavation does not cause damage to public utilities.	<b>AO10.1</b> Filling or excavation does not occur within 2m horizontally of any part of an underground water supply, sewerage, stormwater, electricity or telecommunications system.	<b>Not Applicable.</b> No filling or excavation works are proposed as part of this development application.
<b>PO11</b> Filling and excavation avoids water ponding on the premises or nearby premises that will adversely impact on the health of the community.	<b>AO11.1</b> Following filling or excavation: (a) The premises: (i) Are self-draining; and, (ii) Has a minimum slope of 0.25%; and (b) Surface water flow is: a. Directed away from neighbouring properties; or b. Discharged into a stormwater drainage system designed and constructed in accordance with AS3500 section 3.2	<b>Not Applicable.</b> 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 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.

<b>Applicant submitted reports</b>	Town Planning Report
<b>Assessment considerations of merits</b>	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.
<b>Planning discussion</b>	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 however it is noted that despite the prevalence of smaller lots (approximately 1,000sqm in size) to the immediate west, there are no opportunities under the current zoning to create new lots under 2ha in size. The lots are also close to the aforementioned small lots so there will be no impact on rural character or amenity of the immediate area.

**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 comments in relation to 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"> <li>• Reconfiguring a lot;</li> <li>• Making a material change of use;</li> <li>• Carrying out building work.</li> </ul> Refer to Attachment B for the Infrastructure Charges Notice.

**Public Notification**

<b>Date Notification Commenced</b>	29 June 2023
<b>Date Notification Completed</b>	21 July 2023
<b>Date notice of compliance received</b>	24 July 2023

No submissions were received during the public notification period.

**6. RECOMMENDATION**

That Council approve the Development Permit for a Reconfiguration of a Lot (2 Lots into 4 Lots) at 31 & 33 Verdelho Drive, Moffatdale (formally described as Lots 130 & 131 on SP191465) – Applicant – Bridgeman Nominees Pty Ltd.

Grounds to support the approval of the development application –

- The subdivision is appropriate for the site.
- 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, with no lots gaining direct access from Murgon-Barambah Road.

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 Plans**
- 4. Attachment D - SARA 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

<b>Applicant:</b>	Bridgeman Nominees C/- ONF Surveyors
<b>Application No:</b>	RAL23/0011
<b>Proposal:</b>	Reconfiguring a Lot (2 Lots into 4 Lots)
<b>Street Address:</b>	31 & 33 Verdelho Drive, Moffatdale
<b>RP Description:</b>	130 & 131 on SP191465
<b>Assessment Type:</b>	Impact Assessable
<b>Number of Submissions:</b>	No submissions received

On 12 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.
- 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, with no lots gaining direct access from Murgon-Barambah Road.

### 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)*

<b>APPLICANT:</b>	Bridgeman Nominees Pty Ltd ONF Surveyors PO Box 896 KINGAROY QLD 4610	
<b>APPLICATION:</b>	Reconfiguration of a Lot - Subdivision (2 Lots into 4 Lots)	
<b>DATE:</b>	30/08/2023	
<b>FILE REFERENCE:</b>	RAL23/0011	
<b>AMOUNT OF THE LEVIED CHARGE:</b> <i>(Details of how these charges were calculated are shown overleaf)</i>	<b>\$8,838.00</b>	<b>Total</b>
	\$0.00	Water Supply Network
	\$0.00	Sewerage Network
	\$4,820.00	Transport Network
	\$4,018.00	Parks and Land for Community Facilities Network
	\$0.00	Stormwater Network
<b>AUTOMATIC INCREASE OF LEVIED CHARGE:</b>	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.	
<b>LAND TO WHICH CHARGE APPLIES:</b>	Lots 130 & 131 on SP191465	
<b>SITE ADDRESS:</b>	31 & 33 Verdelho Drive, Moffatdale	
<b>PAYABLE TO:</b>	<b>South Burnett Regional Council</b>	
<b>WHEN PAYABLE:</b> <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.	
<b>OFFSET OR REFUND:</b>	Not Applicable.	

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

**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 (2 into 4)	\$0.00	\$0.00	\$4,820.00	\$4,018.00	\$0.00	\$8,838.00
<b>Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$4,820.00</b>	<b>\$4,018.00</b>	<b>\$0.00</b>	<b>\$8,838.00</b>

\* 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.

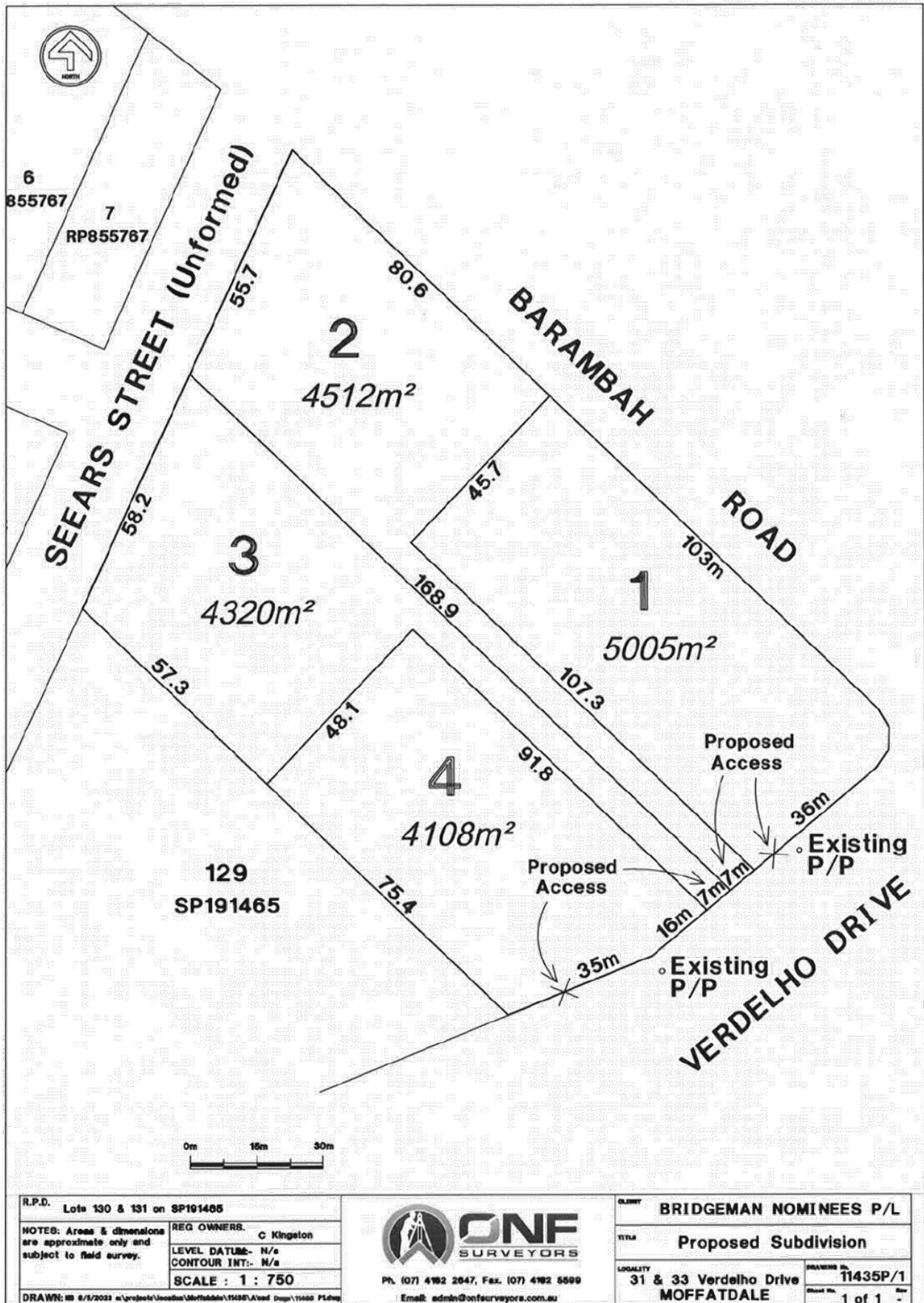


Payment can be made at any of the following South Burnett Regional Council Offices:

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



Document Set ID: 3037287  
 Version: 1, Version Date: 22/05/2023

RA6-N



SARA reference: 2306-35062 SRA  
 Council reference: RAL23/0011  
 Applicant reference: 11435K

6 July 2023

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

Attention: David Hursthouse

Dear Mr Hursthouse

## SARA referral agency response—33 Verdelho Drive, Moffatdale; 31 Verdelho Drive, Moffatdale

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 8 June 2023.

### Response

Outcome:	Referral agency response – with conditions
Date of response:	6 July 2023
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval
Advice:	Advice to the applicant and assessment manager is in <b>Attachment 2</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>

### Development details

Description:	Development permit    Reconfiguring a lot for 2 lots into 4 lots
SARA role:	Referral agency
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017) Reconfiguring a lot near a State transport corridor

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

Page 1 of 5

Document Set ID: 3053065  
 Version: 1, Version Date: 07/07/2023

2306-35062 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)

No.	Conditions	Condition timing
<b>Reconfiguring a lot</b>		
Planning Regulation 2017, Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 - Reconfiguring a lot near a State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of 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 condition:		
1.	Direct access is not permitted between the state-controlled road, Murgon-Barambah Road, and the subject site.	At all times

### Attachment 3—Reasons for referral agency response

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

#### The reasons for the SARA's decision are:

- The development application is for development permit for reconfiguring a lot on Lots 130 and 131 on SP191465 (the subject site), which is located at 31 and 33 Verdelho Drive, Moffatdale.
- The development proposes to reconfigure two lots into four lots, providing four rural residential lots.
- The subject site is within 25m of a state-controlled road, Murgon-Barambah Road.
- The development does not propose access to the state-controlled road. The development proposes access for each new lot to the local road, Verdelho Drive. These access points are within 100m of the intersection of Verdelho Drive with the state-controlled road.
- The development has been assessed against the State Development Assessment Provisions (SDAP), version 3.0, State code 1: Development in a state-controlled road environment (State code 1).
- SARA finds the development complies with State code 1, subject to a condition which prohibits direct access to the state-controlled road. This will ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled and to ensure direct access to the state-controlled road is prohibited where not required.

#### Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

### Attachment 4—Representations about a referral agency response provisions

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## 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.<sup>3</sup>

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<sup>3</sup> 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.

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**0.0 RECONFIGURATION OF A LOT - SUBDIVISION (1 LOT INTO 3 LOTS) AT RESERVOIR SERVICE ROAD, BLACKBUTT (AND DESCRIBED AS LOT 23 ON RP884795). APPLICANT: BLACBUTT CENTRAL PTY LTD C/- ONF SURVEYORS**

**File Number:** RAL23/0012  
**Author:** Planning Consultant  
**Authoriser:** Chief Executive Officer

	SIGNATURE	DATE
coordinator development services MANAGER	[Redacted Signature]	12/09/23
GM	[Redacted Signature]	
CEO	[Redacted Signature]	12-09-2023

**PRECIS**

Reconfiguration of a Lot – Subdivision (1 Lot into 3 Lots) at Reservoir Service Road, Blackbutt (and described as Lot 23 on RP884795). Applicant: Blackbutt Central Pty Ltd C/- ONF Surveyors

**SUMMARY**

- Application to Reconfigure a Lot – Development Permit (1 Lot into 2 Lots) lodged with Council on 12 June 2023.
- Application was changed to Reconfigure a Lot – Development Permit (1 Lot into 3 Lots) lodged with Council on 20 June 2023.
- The application seeks to reconfigure the subject site into three (3) lots. Proposed new lots (121 and 122) are 4,000m<sup>2</sup> each and intended for residential purposes. Lot 123 is retain a balance area of 29.9 ha.
- Subject site is partly zoned Low density residential & Emerging community under the South Burnett Regional Council Planning Scheme.
- The application is code assessable;
- The development application is assessed against the relevant code of the South Burnett Regional Council Planning Scheme. Relevant codes including:
  - Emerging Community Zone Code
  - Reconfiguring a Lot Code
  - Services Works Code
- The subject site is within 25m of a State transport corridor and adjacent to a State-controlled intersection hence required referral to SARA for Concurrence Agency Assessment & Decision.
- SARA issued a referral agency response on 21 July 2023 in the form of a Decision Notice (Permitted Road Access Location pursuant to s62(1) *Transport Infrastructure Act 1994*);
- Council did not issue an Information Request.
- Pursuant to s52 of the *Planning Act 2016* requested change (20 June 2023) re-submitted the following:
  - Changed DA Form 1
  - Changed Proposal Plans
  - Changed Assessment Report.
- The applicant’s changes were duly considered and determined to be of a minor nature, accordingly Confirmation notice was re-issued but timeframes under the DA Rules continued (restart unnecessary).
- The application has been assessed, the proposal meets relevant outcomes/codes in SBRC planning scheme or is conditioned to comply (refer to Attached A – Statement of Reasons);
- Refer to Attachment B – Infrastructure Charges Notice.
- Application is recommended for approval subject to reasonable and relevant conditions.

**OFFICER’S RECOMMENDATION**

The development is to be approved and carried out generally in accordance with the approved plans and conditions as outlined below:

**GENERAL**

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

Drawing Title	Prepared by	Ref no.	Sheet	Date
Proposed Subdivision	ONF Surveyors	15501P/1	1 of 1	20/06/2023

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**Delegated Authority**

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**DEVELOPMENT PERIOD - RAL**

- GEN2. The currency period for this development approval for reconfiguring a lot is four (4) years after the development approval starts to have effect. The development approval will lapse unless the survey plan for all works and stages required to be given to Council for approval is provided within this period.
- GEN3. Maintain access as shown on the approved plan of subdivision 11501P/1 (Rev 1) prepared by ONF and as conditioned in the QLD Transport and Main Roads 'Permitted Road Access Location' reference TMR23-039630.

**RAL GENERAL**

- RAL1. Any new earthworks or structures are not to concentrate or impede the natural flow of water across property boundaries and onto any other lots.
- RAL2. 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.

- RAL3. Future dwellings must be provided with a 45kl potable water tank in accordance with the South Burnett Regional Council Planning Scheme or superseding document in effect at the time of development.

Timing – Prior to the issue of a Building Approval for a future Dwelling on the approved lots.

- RAL4. Prior to sealing the Plan of Survey, the applicant is required to pay the Council all rates and charges or any expenses being charged over the subject land under any Act in accordance with Schedule 18 Section 69 of the *Planning Act Regulation 2017*.

Timing – As indicated.

- RAL5. Prior to the sealing of the Plan of Survey the applicant is to provide a certificate signed by a licensed surveyor stating that after the completion of all works associated with the reconfiguration, survey marks were reinstated where necessary and all survey marks are in their correct position in accordance with the Plan of Survey.

Timing – As indicated.

- RAL6. Submit for Council's records an erosion and sediment control plan prepared by a suitably qualified person (required for works associated with RAL and subsequent uses i.e., building pads/earthworks etc).

Timing – Prior to survey plan sealing/endorsement.

**VALUATION FEES**

- RAL7. Payment of Department of Natural Resources, Mines and Energy valuation fees that will result from the issue of split valuations prior to Council sealing the Plan of Survey. The contribution is currently assessed at \$52.00 per lot however, the actual amount payable will be based on Council's Register of Fees & Charges and the rate applicable at the time of payment.



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**ENGINEERING WORKS**

- ENG1. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to Council's endorsement of the Survey Plan unless stated otherwise.
- ENG2. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's Development Manual and Standard Drawings, relevant Australian Standards, Codes of Practice, WBBROC Regional Standards Manual and relevant design manuals.
- ENG3. Be responsible for any alteration necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

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

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

**STORMWATER MANAGEMENT**

- ENG6. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
- ENG7. 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).
- ENG8. Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

**ON-SITE WASTEWATER DISPOSAL**

- ENG9. Future Dwellings must be connected to an on-site wastewater disposal system, in accordance with AS 1547 and the Queensland Plumbing and Waste Water Code.
- Timing:** Prior to the issue of a Building Approval for a future Dwelling on the proposed lots.

**VEHICLE ACCESS**

- ENG10. Design and construct accesses to proposed lots 121, 122, and 123 in accordance with Council's Standard Drawing SBRC 00049. The locations for accesses for lots 121 and 122 shall be located as shown on ONF Surveyors drawing 11501P/1. The location for the access for lot 123 shall be per the State Assessment Referral Agency conditions dated 24 July 2023.

**TELECOMMUNICATION**

- ENG11. Provide telecommunications to all lots within the development.

**ELECTRICITY**

- ENG12. Design and provide electricity supply to all lots within the development to comply with Ergon Energy's requirements.

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**Delegated Authority**

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- ENG13. 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.

**DEVELOPER INCENTIVE**

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

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

**HERITAGE**

- 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.

**FILLING & EXCAVATION**

- ADV3. It is the developer/owner's responsibility to ensure that any subsequent earthworks required as a consequence of this approval and/or ongoing operations complies with all aspects of Council's planning scheme either directly or indirectly. All erosion and sediment control measures should be to a standard as specified by a suitably qualified professional.

**APPEAL RIGHTS**

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

**INFRASTRUCTURE CHARGES**

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

**BUILDING WORKS**

- ADV6. Provision of onsite sewer treatment must conform to the requirements of the Queensland Plumbing and Wastewater Code. Onsite treatment system to be installed and certified prior to issue of certificate of classification.
- ADV7. Developer/owner is responsible for ensuring all stormwater discharge emanating from the site does not exceed pre-development flow as may be caused by additional impermeable surfaces.

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**FINANCIAL AND RESOURCE IMPLICATIONS**

No implication can be identified.

**LINK TO CORPORATE/OPERATIONAL PLAN**

Growing our Region's Economy and Prosperity

- GR8 Support and advocate for appropriate growth and development with responsive planning schemes, process, customer service and other initiatives.

**COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)**

Refer to CONSULTATION in this report.

**LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)**

No implication identified.

**POLICY/LOCAL LAW/DELEGATION IMPLICATIONS**

No implication can be identified.

**ASSET MANAGEMENT IMPLICATIONS**

No implication can be identified.

Delegated Authority

## REPORT

## 1. APPLICATION DETAILS

Site address	Reservoir Service Road, Blackbutt QLD 4314		
Real property description	Lot 23 on RP884795		
Easements or encumbrances on title	Easement A on SP156201 – Water supply		
Area of Site	30.95 ha – Note – proposal includes 2 x 4000sqm lots & 1 x 29.95ha balance which equates to 30.75ha.		
Current Use	Vacant land		
Environmental Management Register or Contaminated Land Register	N/A		
Applicant's name	Blackbutt Central Pty Ltd C/- ONF Surveyors		
Zone	Partial Low density residential and Emerging community zone		
Applicable Overlays	Bushfire Overlay – Very High Potential Bushfire Intensity, Potential Impact Buffer Flood Hazard Overlay – Flood Hazard Zone Agricultural Land Overlay – Agricultural Land Classification, Class A and Class B		
Proposed use as defined	N/A - Reconfiguring a Lot		
Details of proposal	Reconfiguring a Lot (RALs)		
	• Number of existing lots	One (1)	
	• Easements or leases proposed	No additional easements proposed	
	• Number of proposed lots	Three (3)	
	• Lot areas	Lot 121 – 4,000m <sup>2</sup> Lot 122 – 4,000m <sup>2</sup> Lot 123 – 29.95 ha	
• Access	Lot 121 – new access Pine Street Lot 122 – new access Douglas Street Lot 123 – existing access Reservoir Service 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	Code Assessment		

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Pre-lodgement Consultation history /	-		N/A
Key planning issues e.g. vegetation, waterway corridors, overland flow	-		Access location for balance lot – is approved to remain in current position (approval given by TMR, refer to decision letter 'TMR23-039630')
Referral agencies	Agency	Concurrence/ Advice	
	DSDILGP (SARA)	Concurrence	
Public notification	NA		

**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**

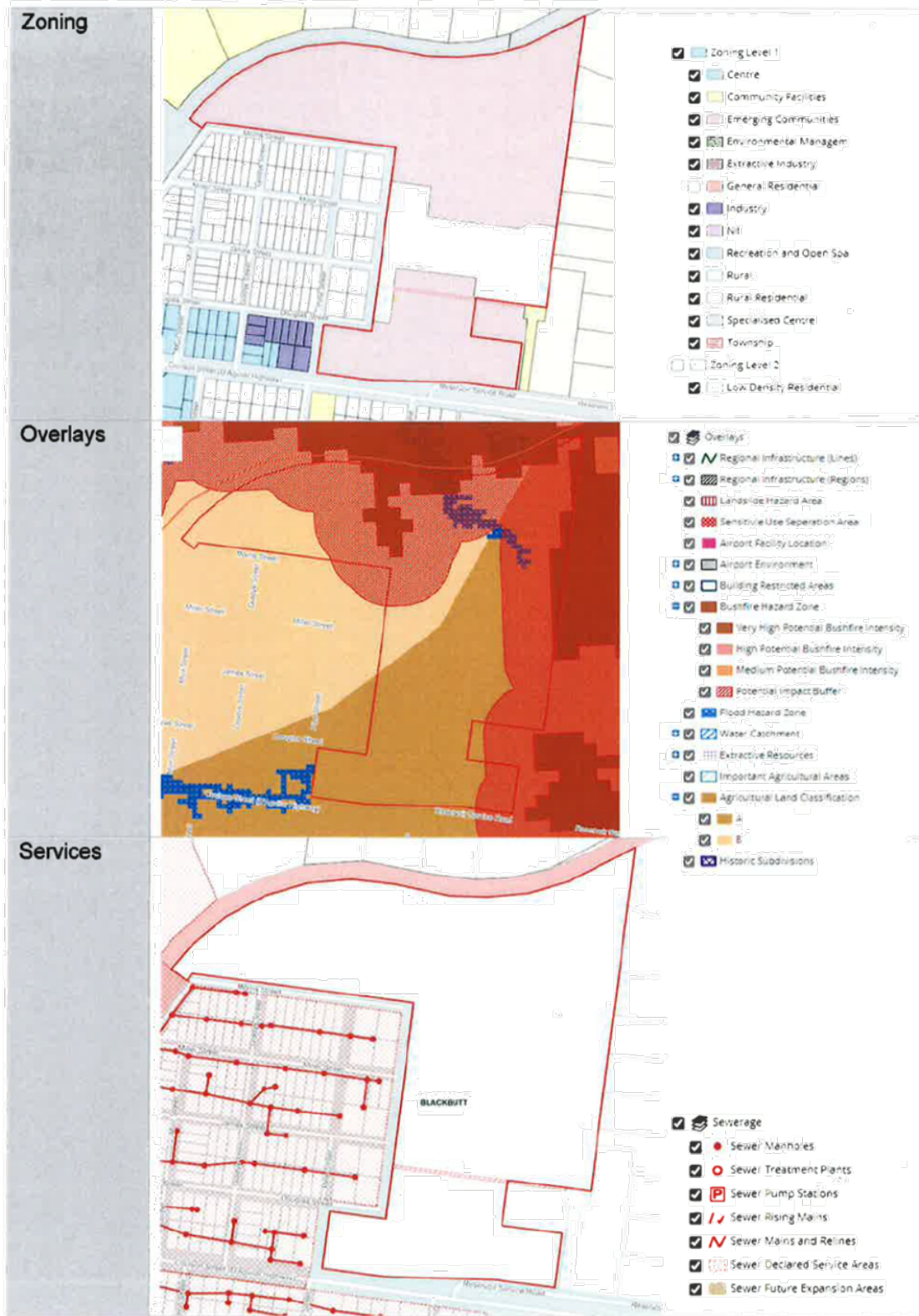
The subject site is located east of the Blackbutt township adjacent to the D'Aguilar Highway. The irregular shaped site is outlined in red below (Table 1). Parts of the site are cleared with majority vegetated (as shown). Cleared parts are used for grazing.

- The subject site is mapped as partly containing Category X vegetation on the regulated vegetation management map.
- Regulated vegetation is mapped over the northern part of the subject site adjacent to the Rail Trail in proposed balance Lot 123
- The subject site is mapped as partly affected by a bushfire and flood hazard however the mapped hazards are to remain in the balance Lot 123 and are well clear of proposed new Lot 121 and Lot 122.
- The site is mapped as containing Class A and B agricultural land but is not used for intensive agriculture or orchards given the planning scheme's emerging community zone reasonable anticipates urban type use.
- Pine Street and Douglas Street are formed and sealed road to Council's relevant road standard.

Table 1 – Maps & Descriptions (Source: Intra Maps)



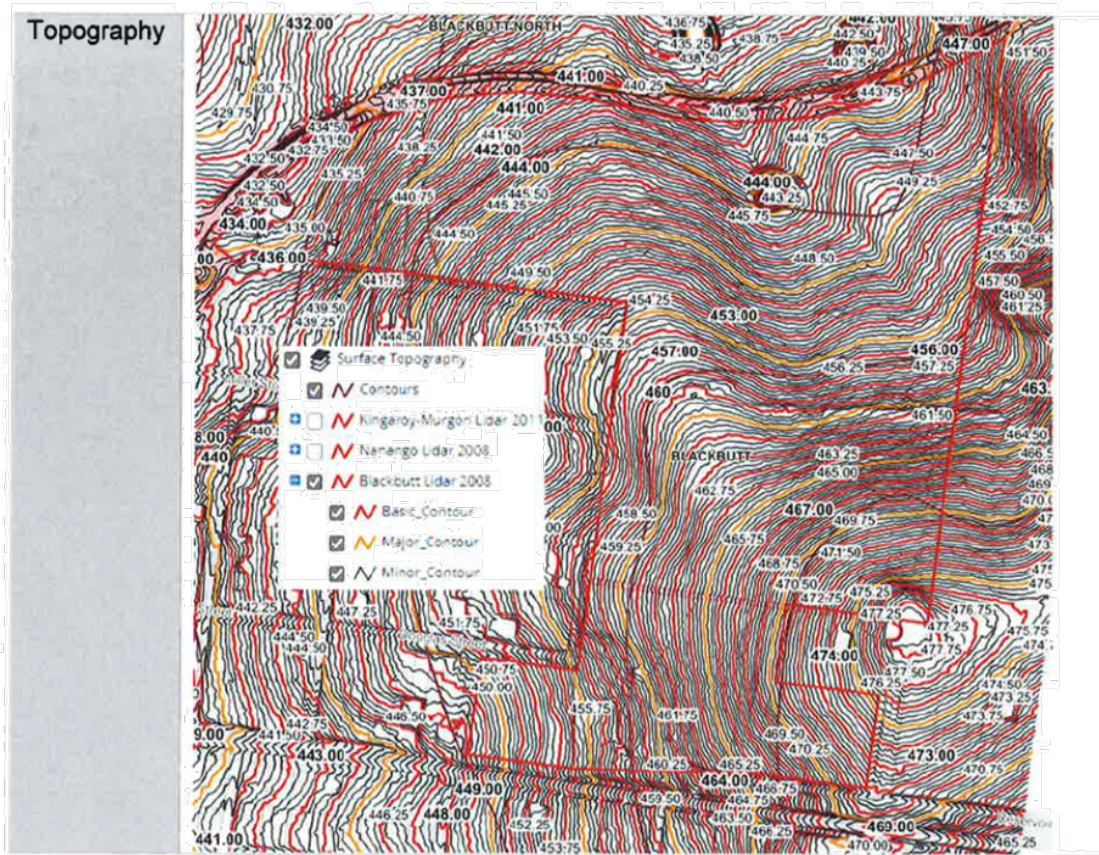
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**2.2. DEVELOPMENT HISTORY OF THE SITE**

There are no known development applications or approvals over the site.

**3. PROPOSAL DETAILS**

The proposal plans as set out in [Table 1](#) below are included in.

**SUMMARY DETAILS**

Tenancies	Not Applicable - RAL
Gross Floor Area + Outdoor Storage Area	Not Applicable - RAL
Building height	Not Applicable - RAL
Storeys (height)	Not Applicable - RAL
Site Cover	Not Applicable - RAL
Impervious Area	Not Applicable - RAL
Landscape	Existing vegetation retained in the balance lot
Number of parking spaces	Not Applicable - RAL



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Access	<ul style="list-style-type: none"> <li>Existing access retained off D'Aguilar Hwy.</li> <li>New access as shown on the ONF plan (figure 1).</li> </ul>
Design Vehicle	Anticipated: <ul style="list-style-type: none"> <li>Car</li> <li>Van</li> </ul> MRV
Setbacks	Not Applicable – RAL
Materials	<ul style="list-style-type: none"> <li>Not Applicable – RAL</li> </ul>

The application seeks to reconfigure the subject site into three (3) lots resulting in the following site areas:

**Figure 1 – Proposed Lot Sizes**

Proposed Lot	Proposed Site Area	Primary Frontage
Lot 121	4,000m <sup>2</sup>	40.5m
Lot 122	4,000m <sup>2</sup>	40.5m
Lot 123	29.95 ha	302.98m

The proposed lots are well in excess of the 600m<sup>2</sup> minimum lot size for the Emerging Community Zone. Lot 121 and Lot 122 are intended to be utilised for future urban purposes (i.e., residential purposes) with Lot 123 to form a balance lot.

- Access to proposed Lot 121 is proposed via a new vehicle access from Pine Street and will be located approximately 50m from the intersection of Pine Street with the D'Aguilar Highway.
- Access to proposed Lot 122 is proposed via a new vehicle access from Douglas Street
- Access to the balance lot (proposed Lot 123) will via the existing vehicle access from the D'Aguilar Highway via Reservoir Service Road.
- Easement A in SP156201 will be retained within the balance lot with the new dividing lot boundary to be well clear of the easement that contains the water main for water supply to the Blackbutt Township.

#### **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
- any Temporary Local Planning Instrument
- any Variation Approval

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

##### Planning Act 2016, Section 26 – Assessment Benchmarks generally

(1) For section 45(3)(a) of the Act, the code assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.

(2) Also, if the prescribed assessment manager is the local government, the code assessment must be carried out against the following assessment benchmarks—

(a) the assessment benchmarks stated in—

Delegated Authority

- (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 local government is an infrastructure provider—the local government’s LGIP.
- (3) However, an assessment manager may, in assessing development requiring code assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.

**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 has the ability to regulate and prohibit development and determines the assessment manager and the matters that trigger State interests.

<b>PLANNING REGULATION 2017 DETAILS</b>	
<b>Assessment Benchmarks:</b>	Schedule 12A Walkable Neighbourhoods – development site is within walking distance of the Blackbutt Town Ship (i.e shops, services, amenities etc).
<b>WBB Regional Plan Designation:</b>	Wide Bay Burnett Regional Plan – Site is part of the Urban Footprint.  The Urban Footprint is a representation of: <ul style="list-style-type: none"> <li>• Land generally considered appropriate for urban purposes</li> </ul>
<b>Adopted Economic Support Instrument</b>	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.  <b>Economic support provisions</b> 4.1. The instrument applies the following provisions in accordance with section 68D(1) of the <i>Planning Regulation 2017</i> : 4.1.1. Part 8B, Division 3 – Development that requires code assessment, 4.1.2. Schedule 6, Part 2, Section 7A – Particular material change of use involving an existing building, and 4.1.3. Schedule 6, Part 2, Section 7B – Material change of use for home-based business in particular zones.  The adopted instrument does not change the categories of development and assessment in the Planning Scheme v1.4

**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 required referral as prescribed under Schedule 10, as demonstrated in [Table 1](#).

*Note: Grey shading indicates no provisions.*

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