

Delegated Authority

Table 3 - 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
3	Clearing Native Vegetation	N/A	N/A	N/A	N/A	N/A
4	Contaminated Land	N/A		N/A	N/A	N/A
5	Environmentally Relevant Activity	N/A	N/A	N/A	N/A	N/A
6	Fisheries: - Aquaculture - Declared Fish Habitat - Marine Plants - Waterway Barrier works	N/A N/A N/A N/A		N/A	N/A	N/A
7	Hazardous Chemical Facilities	N/A		N/A	N/A	N/A
8	Heritage Place: - Local Heritage Place - Queensland Heritage Place	N/A		N/A	N/A	N/A
9	Infrastructure Related: - Designated Premises - Electricity - Oil and Gas - State Transport Corridors and Future State Transport Corridors - State-controlled transport tunnels and future state-controlled transport tunnels	N/A N/A N/A N/A N/A			N/A	N/A
10	Koala Habitat in SEQ region	N/A	N/A			N/A
11	Noise Sensitive Place on Noise Attenuation land	N/A	N/A			
12	Operational Work for Reconfiguring a Lot	N/A		N/A		
12A	Walkable Neighbourhoods	N/A		N/A		N/A

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Table 3 - 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
	particular reconfiguring a lot					
13	Ports: - Brisbane Core Port Land - Within the port limits of the Port of Brisbane - Within the limits of another port - Strategic Port Land	N/A N/A N/A N/A		N/A	N/A	N/A
14	Reconfiguring a Lot under the Land Title Act	N/A		N/A	N/A	N/A
15	SEQ Development Area	N/A		N/A	N/A	N/A
16	SEQ Regional Landscape and Rural Production Area and Rural Living Area: - Community Activity - Indoor Recreation - Residential Development - Urban Activity	N/A	N/A	N/A	N/A	N/A
16A	Southport Spit	N/A	N/A			
17	Tidal Works or Work in a Coastal Management District	N/A		N/A	N/A	N/A
18	Urban Design	N/A			N/A	N/A
19	Water Related Development: - Taking or interfering with water - Removing quarry material - Referral dams - Levees	N/A N/A N/A N/A		N/A	N/A	N/A
20	Wetland Protection Area	N/A	N/A	N/A	N/A	N/A
21	Wind Farms	N/A		N/A		N/A

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Based on the findings in Table 1 it has been concluded that the application requires referral to SARA as a Concurrence Agency in accordance with:

- Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 – Reconfiguring a lot near a State transport corridor; and
- Schedule 10, Part 9, Division 4, Subdivision 2, Table 3 – Reconfiguring a lot near a State-controlled road intersection.

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

4.3. STATE PLANNING POLICY

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

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

State Planning Policy Part E	
Liveable communities and housing	No applicable assessment benchmarks
Economic growth <ul style="list-style-type: none"> • Agriculture. • Development and construction. • Mining and extractive resources. • Tourism. 	No applicable assessment benchmarks
Planning for the environment and heritage. <ul style="list-style-type: none"> • Biodiversity. • Coastal environment. • Cultural heritage. • Water quality 	No applicable assessment benchmarks
Safety and resilience to hazards <ul style="list-style-type: none"> • Emissions and hazardous activities. • Natural hazards, risk, and resilience. 	Natural hazards, risk and resilience. The site is mapped by State Policy mapping as bushfire hazard area, however the proposed new lots site outside hazard overlay and buffers.
Infrastructure <ul style="list-style-type: none"> • Energy and water supply. • Infrastructure integration. • Transport infrastructure. • Strategic airports and aviation facilities. • Strategic ports. 	Complies. All appropriate residential services infrastructure and connections can be made and are conditioned as part of the approval.

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4.4. DEVELOPMENT CODE ASSESSMENTS

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

Planning Scheme:	South Burnett Regional Council Planning Scheme Version 1.4
Zone:	Partial Low density residential and Emerging community zone
Precinct:	NIL
Consistent/Inconsistent Use:	Consistent
Assessment Benchmarks:	Emerging community zone code Reconfiguring a Lot Code Services & Works Code

The Strategic Framework does not form part of the Assessment Benchmarks for this Code assessable application. The *Planning Act 2016* requires that code assessable applications must only be assessed against the Assessment Benchmarks identified in Part 5 of Council's Planning Scheme – specifically Part 5.6, Table 5.6.1 being the level of assessment table for Reconfiguring a Lot.

Emerging Community Zone Code		
PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME	
Section 1 General		
PO1 Development of emerging urban areas: (a) appropriately addresses geographical constraints; (b) protects environmental and cultural heritage values; (c) integrates with existing or approved development in the surrounding area; (d) provides appropriate road, cycleway, pedestrian or open space linkages with satisfactory internal connectivity and integration with surrounding development; (e) provides for major stormwater flow paths through the site; (f) protects floodplains and water quality; (g) provides necessary physical infrastructure; and (h) achieve an appropriate level of amenity and safety for adjoining land uses.	AO1.1 Development occurs in accordance with an approved structure plan. or AO1.2 The development application includes a structure plan that provides detailed information addressing site constraints, proposed development, integration with and protection of amenity and safety for surrounding development and provision of urban infrastructure. The structure plan does not confer land use rights.	AO1 – Complies, Applicant provided a basic structure plan identifying logical progression of urban development for the site inclusive of potential future broad hectare subdivision. Structure plan identified lot layout/orientation and arrangement of local road network.
PO2 Development is located and designed to ensure that land uses are not exposed to: (a) Areas that pose a health risk from previous activities; and (b) Unacceptable levels of contaminants.	AO2.1 Development does not occur: (a) In areas that pose a health risk from previous activities; and (b) On sites listed on the Contaminated Land Register or Environmental Management Register. or	AO2.1- AO2.2 – applicant did not identify potential health risks (site historically utilised for grazing).

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	<p>AO2.2 Areas that pose a health risk from previous activities and contaminated soils which are subject to development are remediated prior to plan sealing, operational works permit, or issuing of building works permit.</p>	
<p>Section 2 Secondary dwelling – Not Applicable</p>		
<p>Section 3 For development affected by one or more overlays</p>		
<p>Airport environs overlay – Not Applicable</p>		
<p>Biodiversity overlay – Not Applicable</p>		
<p>Bushfire hazard overlay</p>		
<p>PO8 Development is not placed at unacceptable risk from bushfire, does not increase the extent or severity of bushfire and maintains the safety of people and property from bushfire</p>	<p>AO8.1 Development does not occur in areas mapped as Very High or High Potential Bushfire Intensity Areas on the SPP Interactive Mapping (Plan Making). or</p> <p>AO8.2 A written assessment by a suitably experienced or qualified person confirms that the site is of Low Potential Bushfire Hazard. or</p> <p>AO8.3 For areas mapped as Medium Potential Bushfire Intensity Areas on the SPP Interactive Mapping (Plan Making), bushfire risk is mitigated through a Bushfire Management Plan incorporating: (a) Lot design and the siting of buildings and uses so: (i) high intensity uses are located on the least bushfire prone area on the site and activities least susceptible to fire are sited closest to the bushfire hazard; and (ii) efficient emergency access is optimised; and (iii) bushfire risk is effectively minimised having regard to aspect, elevation, slope and vegetation. (b) Including firebreaks that provide adequate: (i) setbacks between buildings/ structures and hazardous vegetation, and (ii) access for fire fighting or other emergency vehicles; and (c) Road access for fire-fighting appliances and firebreaks</p>	<p>AO8.1 – N/A The subject site is located in the Very High Potential Bushfire Intensity and Potential Impact Buffer of the Bushfire Hazard Zone. However the mapped hazards are located along the eastern and northern boundaries of proposed balance Lot 123 and are well clear of proposed new Lot 121 and Lot 122 to be located towards the south-western corner of the subject site.</p>

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	<p>are provided through a perimeter road that separates the use from areas of bushfire hazard and that road has a minimum cleared width of 20 metres; and</p> <p>(d) Where a reticulated water supply is not available and development involves buildings with a gross floor area greater than 50m², one tank within 100m of each residential building that has:</p> <p>(i) fire brigade tank fittings; and</p> <p>(ii) 25,000 litres dedicated for fire fighting purposes.</p>	
<p>PO9 Community infrastructure in any area mapped as Very High to Medium (Potential Intensity) Areas are able to function effectively during and immediately after bushfire events.</p>	No outcome specified.	AO6.1 – N/A No community infrastructure is proposed.
<p>PO10 Major risks to the safety or property and to the wellbeing of occupants in areas mapped as Very High to Medium (Potential Intensity) Areas is minimised through appropriate siting, servicing and managing of residential premises</p>	<p>AO10.1 New dwellings on land mapped as Very High to Medium (Potential Intensity) Areas are located:</p> <p>(a) Centrally within existing cleared areas on a lot which allows a regular shaped area (with a minimum dimension of 50m) of 5,000m² to be identified that:</p> <p>(i) is free of highly combustible vegetated areas; and</p> <p>(ii) is on southerly to easterly facing slopes not exceeding 15% gradient; or</p> <p>(iii) on flat lands at the base of north to western facing slopes not exceeding 15% gradient.</p> <p>(b) A fire protection buffer is established around the complete perimeter of the dwelling unit within a lot for a minimum width of 50m.</p>	<p>AO10.1 – N/A The subject site is located in the Very High Potential Bushfire Intensity and Potential Impact Buffer of the Bushfire Hazard Zone. However the mapped hazards are located along the eastern and northern boundaries of proposed balance Lot 123 and are well clear of proposed new Lot 121 and Lot 122 to be located towards the south-western corner of the subject site.</p>
Flood hazard overlay		
<p>PO11 Development is not exposed to risk from flood events by responding to flood potential and maintains personal safety at all times.</p>	<p>AO11.1 All new allotments include an area of sufficient size to accommodate the intended land use outside the area identified on Overlay Map 03. and</p>	<p>AO11.1 – N/A The subject site is mapped as containing Flood Hazard however no new buildings are proposed (i.e. mapped hazard is located on the north-eastern portion of the site in the proposed balance Lot 123).</p>

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	<p>AO11.2 New buildings are not located within the area identified on Overlay Map 03; or</p> <p>AO11.3 Development is sited above the 1%AEP flood event where known, or the highest known flood event, as follows:</p> <ul style="list-style-type: none"> (a) Habitable floor levels - 500mm; (b) Non-habitable floor levels - 300mm; (c) On-site sewage treatment and storage areas for potential contaminants - 300mm; (d) All other development - 0mm. <p>and</p> <p>AO11.4 Building work below the nominated flood level allows for the flow through of flood water at ground level:</p> <ul style="list-style-type: none"> (a) The structure below flood level is unenclosed; or (b) Any enclosure below flood level aligns with the direction of water flow; or (c) Any enclosure not aligning with the direction of water flow must have openings that are at least 50% of the enclosed area with a minimum opening of 75mm. 	<p>Lot 121 and Lot 122 are not affected by flood hazard mapping.</p> <p>SBRC flood hazard mapping identifies Pine St/Coulston St intersection as flood affected however previous urban development may have addressed this matter (preceding urban development is substantial and well established).</p>
<p>PO12 Development directly, indirectly and cumulatively avoids any significant increase in water flow, velocity or flood level, and does not increase the potential for flood damage either on site or other properties.</p>	<p>AO12.1 Works associated with the proposed development do not:</p> <ul style="list-style-type: none"> (a) involve a net increase in filling greater than 50m³; or (b) result in any reductions of on-site flood storage capacity and contain within the site any changes to depth / duration/velocity of flood waters; or (c) change flood characteristics outside the site in ways that result in: <ul style="list-style-type: none"> (i) loss of flood storage; (ii) loss of/changes to flow paths; (iii) acceleration or retardation of flows; or (iv) any reduction in flood warning times. 	<p>AO11.1 – Complies Development conditions are imposed to manage this matter through submission of operational works if triggered.</p>
<p>PO13 Community infrastructure in any area mapped as Flood Hazard is able to function effectively during and immediately after flood.</p>	<p>No outcome specified.</p>	<p>PO13 – N/A No community infrastructure is proposed.</p>
<p>Regional infrastructure overlay - Not Applicable</p>		

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RECONFIGURING A LOT CODE		
PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME	RESPONSE
Section 1 Boundary Realignment – Not Applicable		
Section 2 Reconfiguration under a Community Title Scheme – Not Applicable		
Section 3 All other reconfiguration		
PO7 (a) Allotments are of sufficient size and dimensions to meet the requirements of the users and provide for servicing of the intended use.	AO7.1 Development provides that allotment area, dimension and shape are in accordance with the standards in Table 8.4.2. and	AO7.1 – Complies The proposed lots meet the minimum requirements prescribed for the Emerging Community Zone Proposed Lot 121 and Lot 122 will have a site area of 4,000m ² and proposed balance Lot 123 will have a site area of 29.95 ha where a minimum site area 600m ² is prescribed. Proposed Lot 121 and Lot 122 will have a minimum road frontage of 40.5m where a minimum of 25m is prescribed for proposed Lot 121 being a corner lot and a minimum of 17m is prescribed for proposed Lot 122 being a standard lot. Proposed balance Lot 123 will maintain a minimum road frontage of 302.98m to Reservoir Service Road. A minimum rectangle of 10m x 15m is able to be readily accommodated on each proposed lot.
	AO7.2 The minimum allotment size for any rear allotment shall be calculated exclusive of the area of the access corridor of the allotment. and	AO7.2 – N/A No rear lots are proposed.
	AO7.3 Irregularly shaped allotments are designed to allow a building area of 15m by 10m to be setback 6m from the site frontage.	AO7.3 – Complies. The additional lots are regular (rectangular) in shape.
PO8 Lots have lawful, safe and practical access.	AO8.1 Access is provided via either: (a) Direct road frontage; (b) Access strip with a minimum width of 3.5m (for rear lots only); or (c) Access easement with a minimum width of 6m (where lots only have legal road frontage that does not provide, safe or practical access to the existing street network). and	AO8.1 – Complies All the proposed lots will have frontage to a sealed road.
	AO8.2	AO8.2 – Complies.

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	Newly created lots do not have direct access to sub-arterial or higher order roads. and	<ul style="list-style-type: none"> Access to proposed Lot 121 is proposed via a new vehicle access from Pine Street. Access to proposed Lot 122 will be via a new vehicle access from Douglas Street. Access to the balance lot, proposed Lot 123 will remain via the existing vehicle access from the D'Aguilar Highway via Reservoir Service Road.
	AO8.3 Except in the Rural Zone, new lots, are provided with access to a sealed road.	AO8.3 – Complies All the proposed lots will have frontage to a sealed road.
PO9 The number of rear lots is minimised having regard to the outlook, topography of the site, intended land use and general amenity of the area.	AO9.1 Only one rear lot is provided behind each full street frontage regular lot. and	AO9.1 – N/A No rear lots are proposed.
	AO9.2 No more than two rear lot access strips directly adjoin each other. and	AO9.2 – N/A No rear lots are proposed.
	AO9.3 No more than two rear lots gain access from the head of a cul-de-sac.	AO9.3 – N/A No rear lots are proposed.
	AO9.4 Rear lots are only created where the site gradient is greater than 5%.	AO9.4 – N/A No rear lots are proposed.
PO10 The design and construction of new roads: (a) Maintain safe and efficient access to the transport network; (b) Creates integrated neighbourhoods; and (c) Are constructed to a standard that is commensurate with the intended use of allotments.	AO10.1 Intersection shall be spaced at no less than 45m from any other intersection.	AO10.1 – N/A No new intersection is proposed.
	AO10.2 Any intersections with existing roads shall be treated with a T-intersection or a roundabout.	AO10.2 – N/A No new intersection is proposed.
	AO10.3 The road layout indicates connections to adjoining development sites.	AO10.3 – N/A No new roads are proposed.
	AO10.4 Other than in the Rural or Rural Residential Zones, new streets are provided with layback kerb and channel.	AO10.4 – N/A No new roads are proposed.
	AO10.5 In the Rural Residential Zone, new streets are provided with concrete flush kerbs and swale drains.	AO10.5 – N/A The subject site is in the Emerging Community Zone and no new roads are proposed.
PO11 The provision of services is resistant to inclement weather and does not degrade the character of the area.	AO11.1 Where the reconfiguration involves the opening of a new road, all electricity and telecommunications services are located underground	AO11.1 – N/A The reconfiguration does not involve the opening of new road.
PO12	No outcome specified.	PO12– Complies

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Reconfiguration facilitates integration of walking and cycling networks that provide a safe and convenient environment for users having regard to appropriate gradients and distances to be travelled.		Development site is close to the Brisbane Valley Rail Trail which is a popular cycling route connecting SBRC with Somerset Region.
PO13 Public open space is provided in response to community need.	AO13.1 Public open space is provided in accordance with the Priority Infrastructure Plan.	AO13.1 – N/A This requirement is not considered relevant to the proposal.
PO14 Reconfiguration into allotments less than 400m ² in the Medium Density Residential zone is facilitated where design outcomes are consistent with expectations for the zone.	AO14.1 Reconfiguration in the Medium Density Residential zone involving allotments less than 400m ² where creating allotments for individual units in an approved and completed multiple dwelling or dual occupancy.	AO14.1 – N/A The subject site is located in the Emerging Community Zone.
PO15 Reconfiguration into allotments less than 400m ² in the Medium Density Residential zone is to provide for suitable living environments.	For allotments less than 400m ² – AO15.1 All lots are orientated to within 200 of north. AO15.2 All lots are to be sized and shaped to accommodate a 10m x 20m rectangle.	AO15.1-AO15.2 – N/A The minimum lot size proposed is 4,000m ² .
Section 4 All reconfiguring a lot subject to an overlay		
Agricultural land overlay		
PO16 The productive capacity and utility of agricultural land for rural activities is maintained.	AO16.1 In the Rural zone only, no additional allotments are created in the area identified as agricultural land on SPP Interactive Mapping (Plan Making); or	AO16.1 – N/A The subject site is in the Emerging Community Zone.
	AO16.2 In the Rural zone only, a Farm management plan prepared by a suitably qualified agronomist demonstrates that the existing productivity of the land area is not reduced.	AO16.2 – N/A The subject site is in the Emerging Community Zone.
Airport environs overlay - Not Applicable		
Biodiversity overlay - Not Applicable		
Bushfire hazard overlay		

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<p>PO19 Development is not placed at unacceptable risk from bushfire, does not increase the extent or severity of bushfire and maintains the safety of people and property from bushfire.</p>	<p>AO19.1 Development does not occur in areas mapped as Very High, High or Medium Potential Bushfire Intensity Areas on the SPP Interactive Mapping (Plan Making). or</p> <p>AO19.2 A written assessment by a suitably experienced or qualified person confirms that the site is of Low Potential Bushfire Hazard. or</p> <p>AO19.3 Bushfire risk is mitigated through a Bushfire Management Plan incorporating: (a) Lot design that (i) Locates high intensity uses on the least bushfire prone area on the site and activities least susceptible to fire closest to the bushfire hazard; and (ii) Optimises efficient emergency access; and (iii) Considers the bushfire risk associated with aspect, elevation, slope and vegetation. (b) Firebreaks to protected vegetation included in the subdivision layout providing access for fire fighting or other emergency vehicles and</p> <p>AO19.4 Road layouts facilitate easy and safer access and movement by emergency vehicles in the event of encroaching fire and provides that an alternative safe access (if one direction is blocked in the event of fire) is maintained at all times.</p>	<p>AO19.1– Complies The subject site is located in the Very High Potential Bushfire Intensity and Potential Impact Buffer of the Bushfire Hazard Zone. However the mapped hazards are located along the eastern and northern boundaries of proposed balance Lot 123 and are well clear of proposed new Lot 121 and Lot 122 to be located towards the south-western corner of the subject site.</p>
<p>Flood hazard overlay</p>		
<p>PO20 Development is not exposed to risk from flood events by responding to flood potential and maintains personal safety at all times</p>	<p>AO20.1 All new allotments include an area of sufficient size to accommodate the intended land use outside the area identified on Overlay Map 03.</p>	<p>AO20.1 – N/A The subject site is located in the Flood Hazard Zone however the mapped hazard is located on the north-eastern portion of the site well clear of proposed new Lot 121 and Lot 122 to be located towards the south-western corner of the subject site.</p>

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PO21 Development directly, indirectly and cumulatively avoids any significant increase in water flow, velocity or flood level, and does not increase the potential for flood damage either on site or other properties.	AO21.1 Works associated with the proposed development do not: (a) involve a net increase in filling greater than 50m ³ ; or (b) result in any reductions of on-site flood storage capacity and contain within the site any changes to depth / duration/velocity of flood waters; or (c) change flood characteristics outside the site in ways that result in: (i) loss of flood storage; (ii) loss of/changes to flow paths; (iii) acceleration or retardation of flows; or (iv) any reduction in flood warning times.	AO21.1 – N/A The subject site is located in the Flood Hazard Zone however the mapped hazard is located on the north-eastern portion of the site well clear of proposed new Lot 121 and Lot 122 to be located towards the south-western corner of the subject site. Development conditions have been imposed to manage and associated earthworks.
Regional infrastructure overlay – Not Applicable		
Waterways, wetlands and catchments overlay – Not Applicable		
SERVICES AND WORKS CODE		
Section 1 General		
PERFORMANCE OUTCOME	ACCEPTABLE OUTCOME	RESPONSE
PO1 The development is planned and designed considering the land use constraints of the site for achieving stormwater design objectives.	AO1.1. A stormwater quality management plan provides for achievable stormwater quality treatment measures that meet the design objectives identified in Table 9.4.4.	AO1.1 – N/A The proposed subdivision will retain existing ground levels and permeable surface. Development will generally retain pre-development ground conditions.
PO2 Development does not discharge wastewater to a waterway or off-site unless demonstrated to be best practice environmental management for that site.	AO2.1 A wastewater management plan prepared by a suitably qualified person and addresses : (a) wastewater type; (b) climatic conditions; (c) water quality objectives; (d) best-practice environmental management; and	AO1.1 – Complies Development conditions have been imposed, and advice provided of requirements for compliance (prior to construction of future houses).
	AO2.2 Wastewater is managed in accordance with a waste management hierarchy that: (a) avoids wastewater discharge to waterways; or (b) minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and groundwater.	AO2.2 – Complies Development conditions have been imposed, and advice provided of requirements for compliance (prior to construction of future houses).
PO3 Construction activities avoid or minimise adverse impacts on stormwater quality.	AO3.1 An erosion and sediment control plan addresses the design objectives for the construction phase in Table 9.4.4.	AO3.1 – Complies. Erosion and sediment control measures will be implemented as per the development conditions imposed.
PO4	AO4.1	AO4.1 – Complies.

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Operational activities avoid or minimise changes to waterway hydrology from adverse impacts of altered stormwater quality and flow.	Development incorporates stormwater flow control measures to achieve the design objectives for the postconstruction phase in Table 9.4.4.	There are no major waterways that may be impacted by the proposal. Development conditions have been imposed to ensure Stormwater Flows are non-worsening.
Section 2 Infrastructure		
PO5 Development is provided with infrastructure which: (a) conforms with industry standards for quality; (b) is reliable and service failures are minimised; and (c) is functional and readily augmented.	AO5.1 Except in the Rural zone, all development occurs on a site with frontage to a sealed road. and	AO5.1 – Complies Access to proposed Lot 121 is proposed via a new vehicle access from Pine Street Access to proposed Lot 122 will be via a new vehicle access from Douglas Street. Access to the balance lot, proposed Lot 123 will remain via the existing vehicle access from the D’Aguilar Highway via Reservoir Service Road. All of the above roads are formed and sealed to Council’s relevant standards
	AO5.2 Infrastructure is designed and constructed in accordance with the standards contained in PSP1 – Design and Construction Standards.	AO5.1 – Complies As per the development conditions imposed.
Section 3 Vehicle Parking – Not Applicable The proposal is for the reconfiguring a lot.		
Section 5 Filling and Excavation – Approval conditions include a trigger for operational works where exceeding threshold (refer to ENG 16)		
Section 6 - All operational work subject to an overlay – Not Applicable The proposal is for reconfiguring a lot and no operational work is proposed at this stage.		
Biodiversity overlay – Not Applicable – No operational work is proposed at this stage		
Flood hazard overlay – Not Applicable – No operational work is proposed at this stage.		
Regional infrastructure overlay – Not Applicable – No operational work is proposed at this stage.		
Water catchments overlay – Not Applicable – No operational work is proposed at this stage.		

5. CONSULTATION

Referral Agencies

State Assessment and Referral Agency	State Assessment and Referral Agency (TMR), application referred to concurrence agency assessment and decision (refer to decision TMR23-039630)
Other	NA

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 14 June 2019 which commenced on 1 July 2019. The types of developments that may trigger the issuing of an infrastructure charges notice are:

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	<ul style="list-style-type: none">• Reconfiguring a lot;• Making a material change of use;• Carrying out building work. <p>Refer to Attachment B for the Infrastructure Charges Notice.</p>
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6. RECOMMENDATION

It is recommended that the code assessable application for a Development Permit for Reconfiguring a Lot (1 Lots into 2 Lots) be approved.

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

ATTACHMENTS

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

NOTICE ABOUT DECISION – STATEMENT OF REASONS

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

Applicant:	Blackbutt Central Pty Ltd C/- ONF Surveyors
Application No:	RAL23/0012
Proposal:	Reconfiguration of a Lot (1 Lot into 3 Lots)
Street Address:	Reservoir Service Street, Blackbutt QLD 4314
RP Description:	Lot 23 on RP884795
Assessment Type:	Code Assessment
Number of Submissions:	NA

On 11 September 2023 the above development was recommended for:

- Approval
 Refusal

1. Reasons for the Decision

The reasons for this decision are:

- Emerging Community Zone Code
- Reconfiguring a Lot Code
- Services & Works Code

2. Assessment Benchmarks

The following are the benchmarks apply to this development:

- The proposal is consistent with the overall outcomes for the Emerging Community Zone, Reconfiguring a Lot Code, and Services & Works Code.
- The proposal is not subject to constraints by mapped overlays that would otherwise have an impact on the proposal.
- Reasonable and relevant conditions of approval can be imposed to ensure compliance with the South Burnett Planning Scheme 2017 requirements.
- The proposal presents no conflicts with the assessment benchmarks.

3. Compliance with Benchmarks

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

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

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

APPLICANT:	Blackbutt Central Pty Ltd C/- ONF Surveyors PO Box 896 KINGAROY QLD 4610	
APPLICATION:	Reconfiguration of a Lot - Subdivision (1 Lot into 2 Lots) - Code Assessable	
DATE:	11/09/2023	
FILE REFERENCE:	RAL23/0012	
AMOUNT OF THE LEVIED CHARGE: <i>(Details of how these charges were calculated are shown overleaf)</i>	\$9,640.00	Total
	\$0.00	Water Supply Network
	\$0.00	Sewerage Network
	\$4,820.00	Transport Network
	\$4,018.00	Parks and Land for Community Facilities Network
	\$802.00	Stormwater Network
AUTOMATIC INCREASE OF LEVIED CHARGE:	The amount of the levied charge is subject to an automatic increase. Refer to the Information Notice attached to this notice for more information on how the increase is worked out.	
LAND TO WHICH CHARGE APPLIES:	Lot 23 on RP884795	
SITE ADDRESS:	Reservoir Service Road, Blackbutt	
PAYABLE TO:	South Burnett Regional Council	
WHEN PAYABLE: <i>(In accordance with the timing stated in Section 122 of the Planning Act 2016)</i>	Reconfiguring a Lot – When South Burnett Regional Council approves the Plan of Subdivision.	
OFFSET OR REFUND:	Not Applicable.	

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

DETAILS OF CALCULATION

Water Supply

Adopted Charges

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

Discounts*

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

Sewerage

Adopted Charges

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

Discounts*

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

Transport

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot (1 into 3)	3	allotments	\$2,410.00	CR Table 2.3	\$7,230.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Reconfiguring a Lot (1 into 3)	1	allotments	\$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 3)	3	allotments	\$2,009.00	CR Table 2.3	\$6,027.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Reconfiguring a Lot (1 into 3)	1	allotments	\$2,009.00	CR Table 2.3	\$2,009.00

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Stormwater

Adopted Charges

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Reconfiguring a Lot (1 into 3)	3	allotments	\$401.00	CR Table 2.3	\$1,203.00

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Reconfiguring a Lot (1 into 3)	1	allotments	\$401.00	CR Table 2.3	\$401.00

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Parks & Land for Community Facilities	Stormwater	Total
Reconfiguring a Lot (1 into 3)	\$0.00	\$0.00	\$4,820.00	\$4,018.00	\$802.00	\$9,640.00
Total	\$0.00	\$0.00	\$4,820.00	\$4,018.00	\$802.00	\$9,640.00

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

INFORMATION NOTICE

Authority and Reasons for Charge	This Infrastructure Charges Notice has been given in accordance with section 119 of the <i>Planning Act 2016</i> to support the Local government's long-term infrastructure planning and financial sustainability.
Appeals	Pursuant to section 229 and Schedule 1 of the <i>Planning Act 2016</i> a person may appeal an Infrastructure Charges Notice. Attached is an extract from the <i>Planning Act 2016</i> that details your appeal rights.
Automatic Increase Provision of charge rate (\$)	<p>An infrastructure charge levied by South Burnett Regional Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI average¹. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.</p> <p>However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Authority could have levied for the development at the time the charge is paid.</p>
GST	The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the <i>Planning Act 2016</i> are GST exempt.
Making a Payment	<p>This Infrastructure Charges Notice cannot be used to pay your infrastructure charges.</p> <p>To pay the levied charge, you must request an Itemised Breakdown showing the total levied charge payable at the time of payment. An Itemised Breakdown must be presented at the time of payment.</p> <p>An Itemised Breakdown may be requested by emailing info@southburnett.qld.gov.au</p>

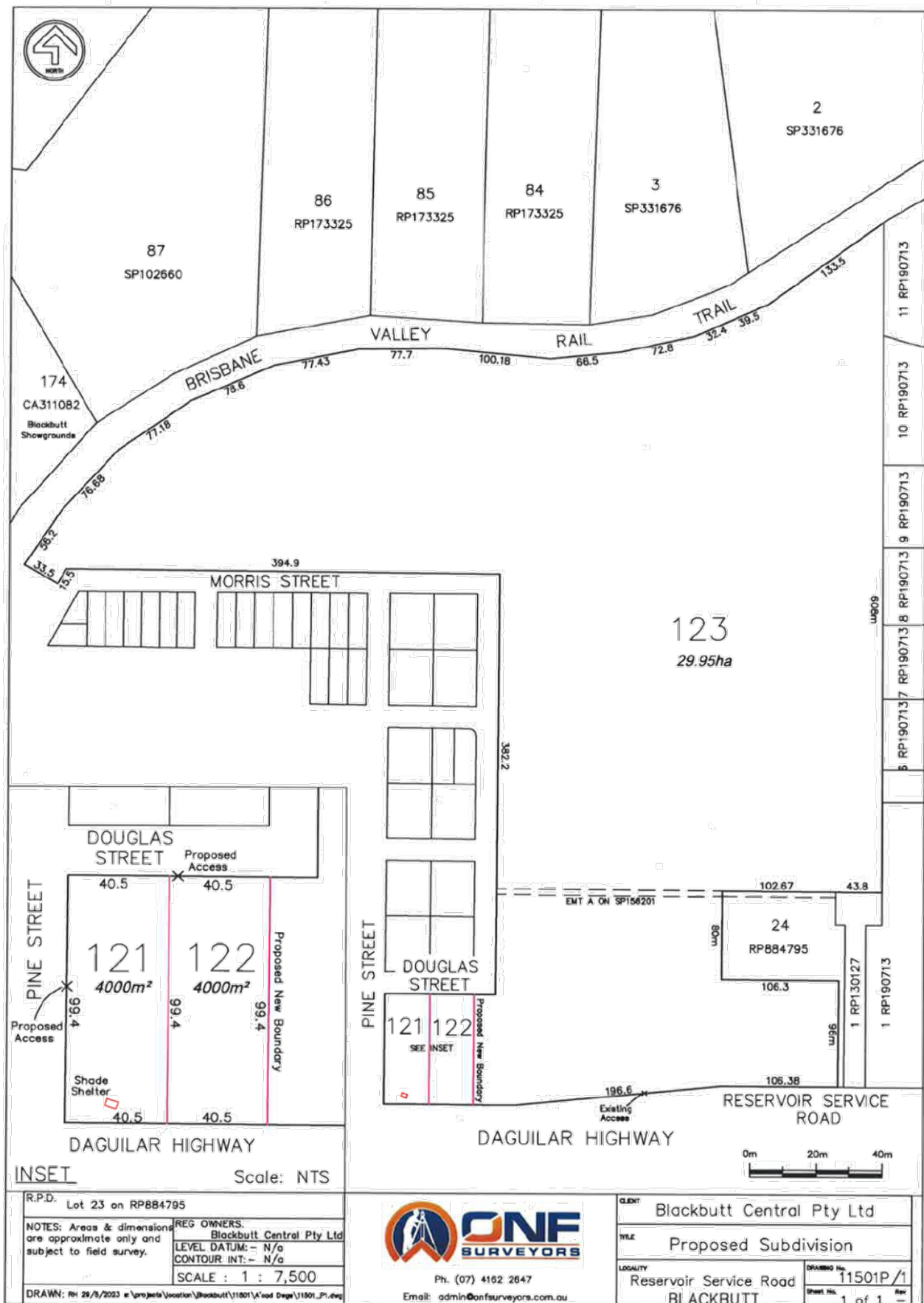
¹ 3-yearly PPI average is defined in section 114 of the *Planning Act 2016* and means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters. PPI Index is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge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

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

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

Enquiries

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



Document Set ID: 3047327
 Version: 1, Version Date: 20/08/2023

RA6-N



SARA reference: 2306-35339 SRA
 Council reference: RAL23/0012
 Applicant reference: 11501K

24 July 2023

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

Attention: Mr David Hursthouse

Dear Mr Hursthouse,

SARA referral agency response—Reservoir Service Road, Blackbutt

(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 26 June 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	24 July 2023
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development Permit for Reconfiguring a Lot — Subdivision (1 lot into 3 lots)
SARA role:	Referral agency
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1— Reconfiguring a lot near a State transport corridor (Planning

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

Document Set ID: 3058741
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2306-35339 SRA

Regulation 2017)

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

SARA reference: 2306-35339 SRA
Assessment manager: South Burnett Regional Council
Street address: Reservoir Service Road, Blackbutt
Real property description: Lot 23 RP884795
Applicant name: Blackbutt Central Pty Ltd
Applicant contact details: c/- ONF Surveyors
PO Box 896
KINGAROY QLD 4610

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

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 Lawson Costello, Planning Officer, on (07) 3452 7584 or via email WBBSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Luke Lankowski
Manager, Planning – Wide Bay Burnett

cc Blackbutt Central Pty Ltd, 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

State Assessment and Referral Agency

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Document Set ID: 3058741
Version: 1, Version Date: 24/07/2023

2306-35339 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
Development permit for reconfiguring a lot— subdivision (1 lot into 3 lots)		
10.9.4.2.1.1 – Reconfiguring a lot near a state transport corridor and 10.9.4.2.3.1 – Reconfiguring a lot near a State-controlled road intersection— 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):		
1.	<p>(a) The road access locations for lot 123 is approximately 185 metres west from the eastern boundary of lot 123, in accordance with Proposed Subdivision prepared by ONF Surveyors, reference drawing no 11501P/1, dated 29/5/2023 and amended in red by the SARA dated 24 July 2023.</p> <p>(b) Road Access Works comprising a rural property access and connection to the Reservoir Service Road must be provided at the permitted access location, generally in accordance with South Burnett Regional Council requirements.</p> <p>(c) The road access works must be designed and constructed in accordance with South Burnett Regional Council Standards and specifications.</p>	<p>(a): At all times.</p> <p>(b) and (c): Prior to submitting the Plan of Survey to the local government for approval.</p>
2.	Direct access between lots 121 and 122, and the D'Aguiar Highway is not permitted.	At all times.

2306-35339 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) (version 3.0). If a word remains undefined it has its ordinary meaning.
Road Access Work and works in the D'Aguilar Highway road reserve	
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 on (07) 4154 0200 or wbb.idas@tmr.qld.gov.au to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve.</p> <p>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>The road works approval process takes time – please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

2306-35339 SRA

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 proposed development does not adversely impact the safety, function or efficiency of the state-controlled road as follows:
 - o The development does not involve direct access to the state-controlled road (D'Aguiar Highway) carriageway; and
 - o The proposed vehicular accesses to the local roads (Pine Street and Douglas Street) are sufficiently separated from the state-controlled road so as not to create a safety hazard or worsening of operating conditions of the state-controlled road.

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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2306-35339 SRA

Attachment 5—Documents referenced in conditions

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State Assessment and Referral Agency

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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 Rules¹ regarding representations about a referral agency response

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

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

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

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

Part 7: Miscellaneous

30 Representations about a referral agency response

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

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

Our ref TMR23-039630
Your ref 11501K
Enquiries Ian Leyton



Department of
Transport and Main Roads

21 July 2023

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

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

Development application reference number RAL23/0012, lodged with South Burnett Regional Council involves constructing or changing a vehicular access between Lot 23RP884795, the land the subject of the application, and D'Aguilar Highway (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 Blackbutt Central Pty Ltd c/- ONF Surveyors
PO Box 896
Kingaroy QLD 4610

Application Details

Address of Property Reservoir Service Road, Blackbutt QLD 4314
Real Property Description 23RP884795
Aspect/s of Development Development Permit for Reconfiguration of a Lot for Reconfigure One (1) Lot into Three (3) Lots

Decision (given under section 67 of TIA)

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

No.	Conditions of Approval	Condition Timing
1	The Permitted Road Access Location for lot 123 is approximately 185 metres west from the eastern boundary of lot 123, in accordance with Proposed Subdivision prepared by ONF Surveyors, reference drawing no 11501P/1, dated 29/5/2023 and amended in red by the Department of Transport and Main Roads dated 17 July 2023.	At all times.
2	(a) Road Access Works comprising a rural property access and connection to the Reservoir Service Road must be provided at	(a) - Prior to the commencement of the use

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

Program Delivery and Operations
Southern Queensland Region
23 Quay Street Bundaberg QLD 4670
Locked Bag 486 Bundaberg DC QLD 4670
Document Set ID: 3058817
Version: 1, Version Date: 25/07/2023

Telephone +61 7 (07) 5482 0367
Website www.tmr.qld.gov.au
Email WBB.IDAS@tmr.qld.gov.au
ABN: 39 407 690 291

No.	Conditions of Approval	Condition Timing
	<p>the permitted access location, generally in accordance with South Burnett Regional Council requirements.</p> <p>(b) The road access works including connection to the Reservoir Service Road must be maintained at no cost to the Department of Transport and Main Roads.</p>	<p>of the Road Access Works and to be maintained at all times.</p> <p>(b) - At all times.</p>
3	<p>Direct vehicular access between the D'Aguilar Highway through carriageways and the permitted road access location is not permitted. All vehicular access between lot 123 and the D'Aguilar Highway carriageways must be via the Reservoir Service Road.</p>	<p>At all times.</p>
4	<p>(a) Direct access is prohibited between D'Aguilar Highway and lot 123 at any other location other than the Permitted Road Access Location described in Condition 1.</p> <p>(b) Direct access is prohibited between D'Aguilar Highway and lots 121 and/or 122.</p>	<p>(a) and (b) - At all times.</p>

Reasons for the decision

The reasons for this decision are as follows:

- a) A development application has been lodged for a one into 3 lot subdivision with lots 121 and 122 gaining access from the local road and lot 123 using the Reservoir Service Road.
- b) The state-controlled road gazettal made for the D'Aguilar Highway made under the *Transport Infrastructure Act 1994* extends to the boundary of the subject land. The gazettal area includes a service road that is maintained by South Burnett Regional Council (SBRC). As such access at the location proposed for lot 123 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 D'Aguilar Highway is not adversely impacted by access associated with this development.
- e) The development proposes a single point of access at an existing for proposed lot 123 onto a service lane with no direct access to the D'Aguilar Highway carriageway. The development will not increase the number of access locations to the state-controlled road or increase the intensity of use. This access strategy has been assessed to be consistent with the Department of Transport and Main Roads' *Vehicular access to state-controlled roads policy: management of access between adjacent land and state-controlled roads 2023*.
- f) Because the Reservoir Service Road is maintained by SBRC construction of road access works to meet SBRC standards is appropriate for this development.

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 or on (07) 5482 0367.

Yours sincerely



Adam Fryer
Principal Advisor (Corridor & Land Management)

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 (the department) under the *Transport Infrastructure Act 1994*.
- The Reservoir Service Road adjacent to the D'Aguilar Highway is located within the gazetted state-controlled road reserve. The service road is managed by South Burnett Regional Council (SBRC).
- Section 62 of the *Transport Infrastructure Act 1994* allows the department to decide about road access between a state-controlled road and adjacent land.
- Section 62(b) and (c) of the *Transport Infrastructure Act 1994* allows the department to place restrictions and/or conditions on use of a permitted road access location.
- Section 62(i) of the *Transport Infrastructure Act 1994* allows the department to prohibit access between a state-controlled road and land.
- Lots 121 and 122 have direct frontage to two formed local government-controlled roads where access is feasible.
- The development proposes a single point of access at an existing for proposed lot 123 onto a service lane with no direct access to the D'Aguilar Highway carriageway. The development will not increase the number of access locations to the state-controlled road or increase the intensity of use. This access strategy has been assessed to be consistent with the Department of Transport and Main Roads' *Vehicular access to state-controlled roads policy: management of access between adjacent land and state-controlled roads 2023*.
- The service road is maintained by SBRC. Construction of road access works to meet SBRC standards is appropriate for this development.

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	Department of Transport and Main Roads	2023	---	--
Road Planning and Design Manual 2 nd Edition	Department of Transport and Main Roads	Current as at June 2022	---	--
Proposed Subdivision	ONF Surveyors	29/5/2023	Drawing No. 11501P/1	--

Development Assessment Report	ONF Surveyors	June 2023	11501K	
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Attachment B**Section 70 of TIA**

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

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

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

Maximum penalty—200 penalty units.

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

Attachment C**Appeal Provisions***Transport Infrastructure Act 1994*

Chapter 16 General provisions

485 Internal review of decisions

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

485B Appeals against decisions

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

(5) The court may order—

- (a) the appeals to be heard together or 1 immediately after the other; or
- (b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

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

Transport Planning and Coordination Act 1994
Part 5, Division 2 – Review of Original Decisions

31 Applying for review

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

32 Stay of operation of original decision

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

(9) In this section—

relevant entity means—

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

35 Time for making appeals

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

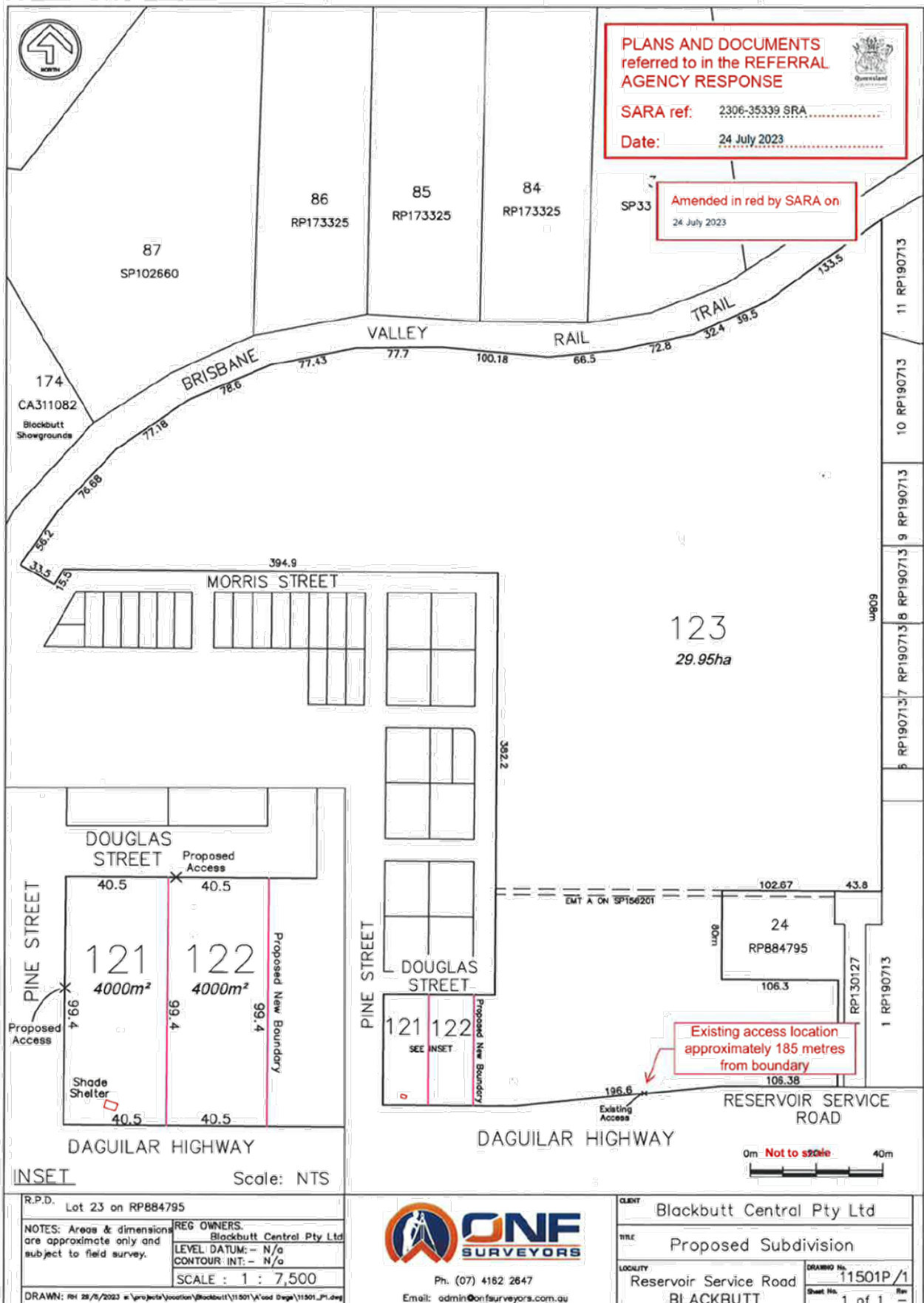
- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

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

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

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



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 Version: 1, Version Date: 24/07/2023

0.0 RECONFIGURATION OF A LOT - BOUNDARY REALIGNMENT AT 41 & 43 ALEXANDER STREET, WOOROLIN (AND DESCRIBED AS LOTS 3 & 4 ON RP56931). APPLICANT: W TURNER C/- ONF SURVEYORS

File Number: RAL23/0013
Author: Planning Consultant
Authoriser: Chief Executive Officer

	SIGNATURE	DATE
coordinator development services MANAGER	[Redacted Signature]	2/10/23
GM		
GEO		12-09-2023

PRECIS

Development application for Reconfiguration of a Lot – Boundary Realignment (2 Lots into 2 Lots) at 41 & 43 Alexander Street, Wooroolin (and described as Lots 3 & 4 on RP56931). The Applicant is W Turner C/- ONF Surveyors

SUMMARY

- Application for a Development Permit for Reconfiguring a Lot (Boundary Realignment – 2 Lots into 2 Lots);
- The proposed development seeks to realign the boundaries of Lot 3 on RP56931 and Lot 4 on RP56931 to create one lot, containing the dwelling house, with a frontage to Gatacre Street, and the other lot, containing the post office, to front Alexander Street, a State-controlled road. The dwelling is accessed via Gatacre Street however, the post office does not have any direct access from Alexander Street and is currently accessed by vehicles from the rear (Gatacre Street). This access point will be removed as a result of the proposed boundary realignment;
- The subject site is located in the Township zone under the South Burnett Regional Council Planning Scheme and is identified on the Agricultural land overlay;
- The proposal triggered Code assessment as the proposal is for a boundary realignment;
- The subject site is 1,482m² in area, with Lot 3 being 716m² and Lot 4 being 766m²;
- The development application is assessed against the relevant codes of the South Burnett Regional Council Planning Scheme. Relevant codes include:
 - Township zone code;
 - Reconfiguring a lot code; and
 - Services and works code;
- The subject site fronts a State-controlled road, being Alexander Street, however, a referral to SARA is not required as no new points of accessed are being established;
- Council issued an Information Request on 18 July 2023 seeking further information from the Applicant regarding:
 - Water supply;
 - Access and parking; and
 - Wastewater disposal;
- The application has been assessed and the proposal generally meets the requirements of the Planning Scheme and relevant codes or has been conditioned to comply (refer Attachment A – Statement of Reasons);
- Refer Attachment B – Infrastructure Charges Notice;
- Application recommended for approval subject to reasonable and relevant conditions.

OFFICER’S RECOMMENDATION

That Council approve the Development Permit for Reconfiguration of a Lot (Boundary Realignment – 2 Lots into 2 Lots) at 41 & 43 Alexander Street, Wooroolin (formally described as Lots 3 & 4 on RP56931) – Applicant – W Turner c/- ONF Surveyors.

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
Boundary Realignment	ONF Surveyors	10550_P1	B	31/7/2023

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 \$96.00 (2 x \$48.00); however, the actual amount payable will be based on Council's Register of Regulatory & Cost-Recovery Fees and the rate applicable at the time of payment.

PLANNING

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

Timing: As indicated.

PROPERTY BOUNDARIES

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

ENGINEERING WORKS

- ENG1. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to Council's endorsement of the Survey Plan unless stated otherwise.
- ENG2. 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.

WATER SUPPLY

- ENG9. Connect each lot to Council's reticulated water supply system.
- ENG10. Install a separate water service connection to each lot as per Council's standards.

ON-SITE WASTEWATER DISPOSAL

- ENG11. Provide a plan, prepared by a suitably qualified person, that demonstrates sufficient area exists on proposed Lot 5 for the Land application Area for wastewater disposal for a dwelling. The Land Application Area shall be determined in accordance with AS 1547 On-site domestic-wastewater management, and the Queensland Plumbing and Waste Water Code.

Timing: Prior to sealing of the survey plan.

VEHICLE ACCESS

ENG12. Provide a plan demonstrating that a B99 design vehicle can enter and exit the property in the forward direction.

Comment: Reversing from the property is not considered appropriate due to safety considerations with vehicles reversing onto the Bunya Highway. The manoeuvring area shall not conflict with the wastewater land application area.

TELECOMMUNICATION

ENG13. Provide telecommunications to all lots within the development.

ELECTRICITY

ENG14. Provide electricity supply to all lots within the development to comply with Ergon Energy's requirements.

EROSION AND SEDIMENT CONTROL - GENERAL

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

ENG16. 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.

INFRASTRUCTURE CHARGES

ADV2. Infrastructure charges are now levied by way of an infrastructure charges notice, issued pursuant to section 119 of the *Planning Act 2016*.

DEVELOPER INCENTIVE

ADV3. 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.

INDIGENOUS HERITAGE

ADV4. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence or otherwise of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before

proceeding. A search can be arranged by visiting <https://www.datsip.qld.gov.au> and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.

APPEAL

ADV5. Attached for your information is a copy of Chapter 6 of the Planning Act 2016 as regards Appeal Rights.

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	41 & 43 Alexander Street, Wooroolin	
Real property description	Lot 3 on RP56931 Lot 4 on RP56931	
Easements or encumbrances on title	N/A	
Area of site	Lot 3 on RP56931 – 716m ² Lot 4 on RP56931 – 766m ² Total area – 1,482m ²	
Current use	Lot 3 on RP56931 – Dwelling house Lot 4 on RP56931 – Post office	
Environmental Management Register or Contaminated Land Register	N/A	
Applicant's name	W Turner c/- ONF Surveyors	
Zone	Township zone	
Applicable overlays	OM8 – Agricultural land overlay	
Proposed use as defined	<p><u>Reconfiguring a Lot (as defined under the Planning Act 2016):</u></p> <p>(a) creating lots by subdividing another lot; or</p> <p>(b) amalgamating 2 or more lots; or</p> <p>(c) rearranging the boundaries of a lot by registering a plan of subdivision under the Land Act or Land Title Act; or</p> <p>(d) dividing land into parts by agreement rendering different parts of a lot immediately available for separate disposition or separate occupation, other than by an agreement that is –</p> <p>(i) a lease for a term, including renewal options, not exceeding 10 years; or</p> <p>(ii) an agreement for the exclusive use of part of the common property for a community titles scheme under the Body Corporate and Community Management Act 1997; or</p> <p>(e) creating an easement giving access to a lot from a constructed road.</p>	
Details of proposal	Reconfiguring a Lot (RALs)	
	Number of existing lots	Two (2) lots
	Easements or leases proposed	N/A
	Number of proposed lots	Two (2) lots
	Lot areas	Lot 5 – 430m ²

		Lot 6 – 1,056m ²	
	Access	Gatacre Street for Lot 6 only	
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		
Pre-lodgement/ Consultation history	N/A		
Key planning issues e.g. vegetation, waterway corridors, overland flow	Access and parking arrangements		
Referral agencies	Agency	Concurrence/ Advice	
	N/A	N/A	
Public notification	N/A		
Planning Regulation 2017	N/A		

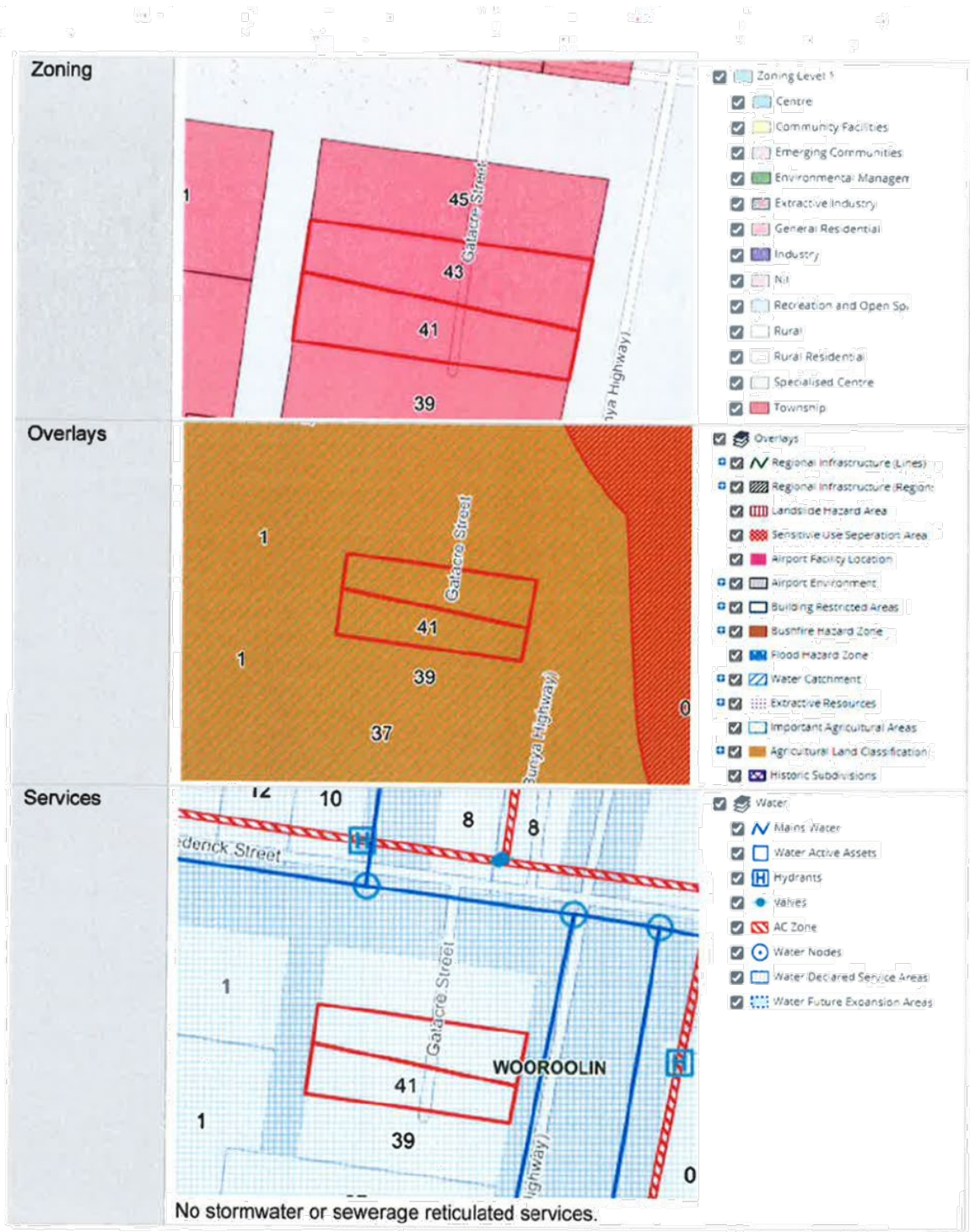
2. THE SITE

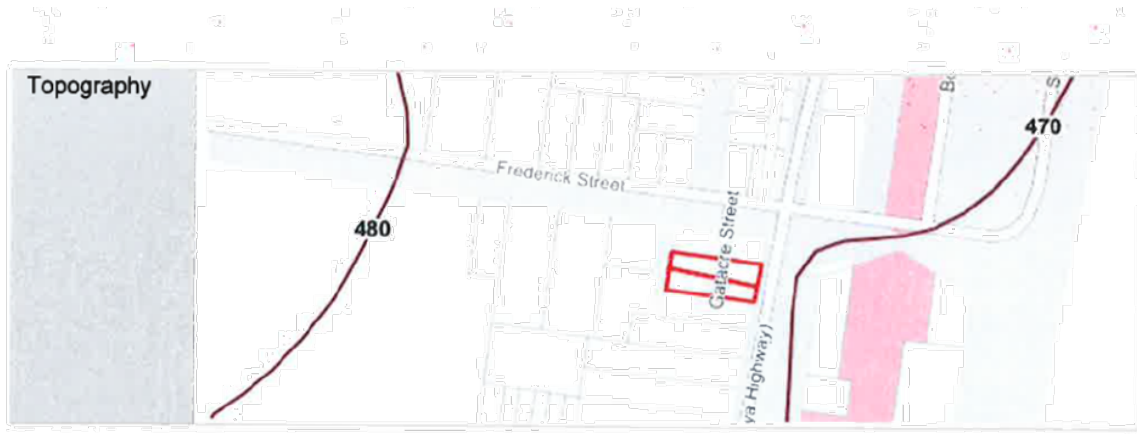
This section of the report provides a description of the site, details about the existing use and notable characteristics of the site, the standard of servicing, and the form of development in the immediate locality.

2.1. SITE DESCRIPTION & EXISTING USE

Table 1 – Maps & Descriptions (Source: Intramaps)







2.2. DEVELOPMENT HISTORY OF THE SITE

There are no recorded approvals relevant to the subject site. Currently, Lot 3 on RP56931 contains a dwelling house while Lot 4 on RP56931 contains a post office.

3. PROPOSAL DETAILS

The proposal seeks a Development Permit for Reconfiguring a Lot (Boundary Realignment – 2 Lots into 2 Lots) at 41 & 43 Alexander Street, Wooroolin. The realignment adopts an existing fence line which currently separates the two uses. Access to the dwelling house is to be maintained from Gatacre Street at the rear, while there is no direct driveway access to the post office. The proposed boundary realignment plan is included as Figure 1 below.

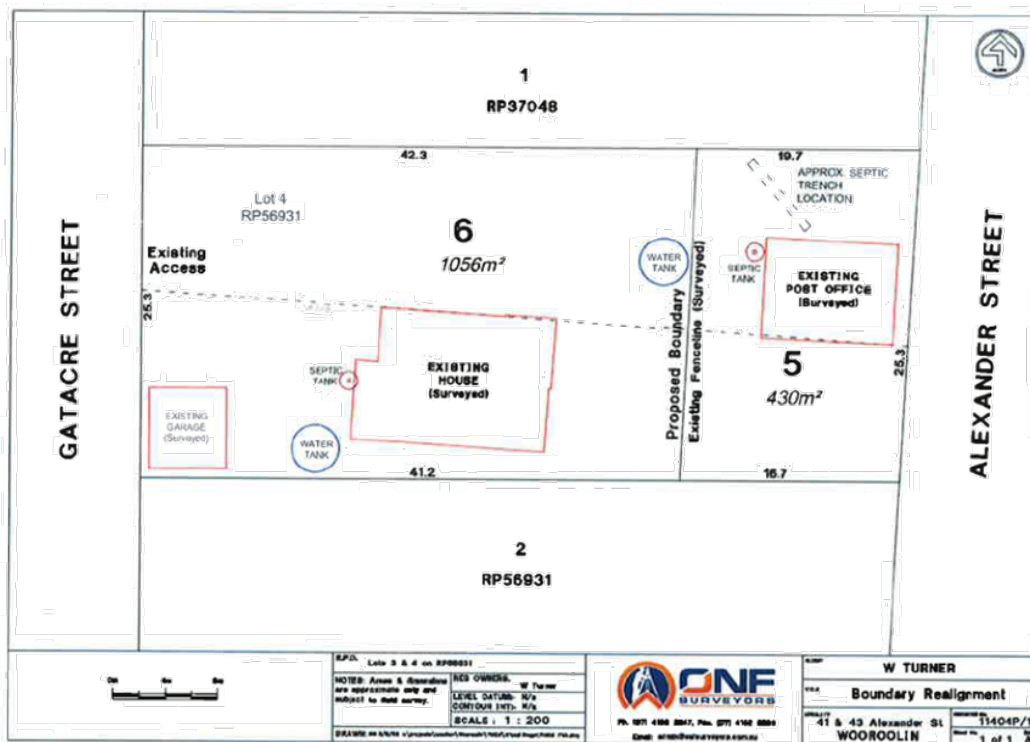


Figure 1. Proposed Boundary Realignment Plan (Source: ONF Surveyors).

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.

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—
 - (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.

PLANNING REGULATION 2017 DETAILS	
WBB Regional Plan Designation:	<p><u>Wide Bay Burnett Regional Plan 2011 – Rural Living Area</u></p> <p>By 2031, it is anticipated that an additional 4,300 dwellings will be required to house growth within the South Burnett region. Urban and rural living broad hectare land can accommodate a significant proportion of the required dwellings.</p> <p>Rural Living Area Principles:</p>

	<ul style="list-style-type: none"> • Productive rural land is preserved. • Rural residential areas are not located in areas of high ecological significance. • Natural hazards such as flooding, bushfire and landslide do not cause an unacceptable risk to life and property. • All weather access to a community of interest is available. • Rural residential areas are located in proximity to towns where a minimum of local services are available to support residents. • There is an identified need for additional land to be included in a rural residential area, considering both the capacity in urban areas and rural living areas. • Suitable infrastructure is available or can be provided to support future residents. • Land management practices, such as weed and pest control and bushfire management, can be practically accommodated. • Inclusion of land in the Rural Living Area considers the whole-of-life costs of the development. <p>The Wide Bay Burnett Regional Plan 2011, currently being reviewed, identifies the township of Kingaroy as one of the key inland towns for the Wide Bay Burnett region, and together with Bundaberg, Gympie, Hervey Bay and Maryborough, is intended to provide a range of higher order services and functions for the urban communities and to support the region’s rural activities. More particularly, the Regional Plan identifies Kingaroy as a Major Regional Activity Centre within the South Burnett Regional Council area.</p>
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<p>Adopted Economic Support Instrument</p>	<p>Under section 68E of the Planning Regulation 2017 that on 24 February 2021, South Burnett Regional Council adopted an economic support instrument. The instrument is in effect until 31st December 2023.</p> <p>Economic support provisions</p> <p>4.1. The instrument applies the following provisions in accordance with section 68D(1) of the <i>Planning Regulation 2017</i>:</p> <ul style="list-style-type: none"> 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. <p>The adopted instrument does not change the categories of development and assessment in the Planning Scheme v1.4</p>
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4.2. REFERRAL AGENCIES

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

The application does not refer to any referral agencies prescribed under Schedule 10, as demonstrated in **Table 2**.

Note: Grey shading indicates no provisions.

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

Part	Matter	Applicability to this Development Application	Prohibited Development	Assessable Development	Referral Agency	Assessment Benchmarks / Matters to be assessed against
1	Airport Land	N/A		N/A	N/A	N/A
2	Brothels	N/A	N/A	N/A		N/A
3	Clearing Native Vegetation	N/A	N/A	N/A	N/A	N/A
4	Contaminated Land	N/A		N/A	N/A	N/A
5	Environmentally Relevant Activity	N/A	N/A	N/A	N/A	N/A
6	Fisheries: - Aquaculture - Declared Fish Habitat - Marine Plants - Waterway Barrier works	N/A N/A N/A N/A		N/A	N/A	N/A
7	Hazardous Chemical Facilities	N/A		N/A	N/A	N/A
8	Heritage Place: - Local Heritage Place - Queensland Heritage Place	N/A		N/A	N/A	N/A
9	Infrastructure Related: - Designated Premises - Electricity - Oil and Gas - State Transport 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 N/A N/A			N/A	N/A
10	Koala Habitat in SEQ region	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
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
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:	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
	- Taking or interfering with water - Removing quarry material - Referral dams - Levees	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 **does not** require referral to a Referral Agency in accordance with Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 of the *Planning Regulation 2017*.

4.3. STATE PLANNING POLICY

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

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

State Planning Policy Part E	
Liveable communities and housing	No applicable assessment benchmarks
Economic growth: <ul style="list-style-type: none"> • Agriculture • Development and construction • Mining and extractive resources • Tourism 	The site is identified on the Agricultural Land Overlay under the Planning Scheme however the proposed development will not impact upon the productive capacity of the agricultural land. Specifically, the proposed ROL does not affect the existing uses of the lots.
Planning for the environment and heritage: <ul style="list-style-type: none"> • Biodiversity. • Coastal environment. • Cultural heritage. • Water quality 	No applicable assessment benchmarks.
Safety and resilience to hazards: <ul style="list-style-type: none"> • Emissions and hazardous activities. • Natural hazards, risk, and resilience. 	No applicable assessment benchmarks.

<p>Infrastructure:</p> <ul style="list-style-type: none"> • Energy and water supply. • Infrastructure integration. • Transport infrastructure. • Strategic airports and aviation facilities. • Strategic ports. 	<p>All appropriate residential services infrastructure and connections can be made and are conditioned as part of the approval.</p>
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4.4. DEVELOPMENT CODE ASSESSMENTS

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

- Township zone code;
- Reconfiguring a lot code; and
- Services and works code.

Township Zone Code

The subject site is situated in the Township Zone under the Planning Scheme. The purpose of the Township Zone is to provide for—

- (a) small to medium urban areas in a rural or coastal area; and
- (b) a variety of uses and activities to service local residents, including, for example, business, community, education, industrial, open space, recreation, residential or retail uses or activities; and
- (c) tourist attractions and short-term accommodation, if appropriate for the area.

The following table sets out an assessment of the proposal against the performance outcomes for the Township Zone Code.

Table 6.2.16—Accepted development subject to requirements and assessable development

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
Section 1 General		
<p>PO1 The extent of development complements the intended low-density character of the Zone.</p>	<p>AO1.1 For residential uses, site cover does not exceed 50%.</p> <p>and</p> <p>AO1.2 For non-residential uses, site cover does not exceed 60%.</p>	<p>Not Applicable. The proposal is for a lot reconfiguration only.</p>
<p>PO2 The scale, bulk and design of development are consistent with established scale, character, street presentation and streetscape in the locality.</p>	<p>AO2.1 Buildings are a maximum of 8.5m above natural ground level.</p> <p>and</p> <p>AO2.2 Buildings are built the same distance from the road alignment</p>	<p>Not Applicable. The proposal is for a lot reconfiguration only.</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
	<p>as the average of the 2 adjoining buildings.</p> <p>and AO2.3 If no adjoining buildings, or if the average setback of adjoining buildings from road alignments exceeds 6m, buildings are at least 3m from road alignments.</p>	
<p>PO3 Development is to be adequately serviced.</p>	<p>AO3.1 Development in Benarkin, Kumbia, Wooroolin, Tingoorra and Proston is connected to the reticulated water supply network and, in the case of Kumbia and Wooroolin, supplemented by a 9,000L roofwater storage.</p> <p>or AO3.2 In all other circumstances, development is provided with water supply of:</p> <ul style="list-style-type: none"> (a) For residential uses – a 45,000L rainwater tank per dwelling; (b) For non-residential uses – a potable supply at 140L/head/day and fire-fighting supply at 3,000L/hour for a 5 hour period. <p>and AO3.3 Development in Proston is connected to Council’s common effluent drainage scheme.</p> <p>or AO3.4 In all other circumstances, the provision of on-site sewage treatment conforms to the requirements of the Queensland Plumbing and Wastewater Code.</p> <p>and AO3.5</p>	<p>Complies. The Applicant has sufficiently demonstrated that both lots are serviced by water connections.</p> <p>Not Applicable. The site is in Wooroolin.</p> <p>Not Applicable. The site is in Wooroolin.</p> <p>Complies. Existing On-site wastewater treatment is wholly contained within the proposed lots they serve.</p> <p>Complies.</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
	<p>Stormwater discharge must be to a lawful point of discharge or to downstream properties but only with the consent of the affected landowners.</p> <p>and</p> <p>AO3.6 Development has direct access to a sealed road.</p> <p>and</p> <p>AO3.7 Development is provided with a connection to the electricity supply and telecommunications networks.</p>	<p>The proposal is for a boundary realignment only which should not alter existing stormwater discharge arrangements.</p> <p>Complies with Performance Outcome. Proposed Lot 6 gains access from Gatacre Street, an unsealed road while Lot 5 does not include an access point. Access to proposed Lot 5 is addressed in Section 5 of this report (pg. 37) and on appropriate condition included (ENG12.)</p> <p>Complies. Both lots are currently connected to the electricity supply and telecommunications networks.</p>
<p>PO4 Development is located and designed to ensure that land uses are not exposed to:</p> <ul style="list-style-type: none"> (a) Areas that pose a health risk from previous activities; and (b) Unacceptable levels of contaminants. 	<p>AO4.1 Development does not occur:</p> <ul style="list-style-type: none"> (a) In areas that pose a health risk from previous activities; and (b) On sites listed on the Contaminated Land Register or Environmental Management Register. <p>or</p> <p>AO4.2 Areas that pose a health risk from previous activities and contaminated soils which are subject to development are remediated prior to plan sealing, operational works permit, or issuing of building works permit.</p>	<p>Complies. The site is not in an area that poses a health risk from previous activities, nor is it listed on the Contaminate Land Register.</p>
Section 2 Residential activities		
<p>PO5 The density of development complements the intended low-density character of the Zone.</p>	<p>AO5.1 Dwelling density does not exceed 1 dwelling per 500m² of site area.</p>	<p>Not Applicable. The proposal is for a boundary realignment and does not seek to increase dwelling density.</p>
Section 3 Residences within 100m of an existing industrial use		
<p>PO6 Residential development is not subject to the adverse impacts</p>	<p>AO6.1 The main living areas of new dwellings are oriented away from</p>	<p>Not Applicable.</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
associated with existing or intended industrial development.	adjoining or nearby industrial areas. and AO6.2 New residential development provides 2m of dense landscaping to a mature height of 5m to the common boundary where adjoining an industrial site. and AO6.3 An acoustic barrier no less than 1.8m is located opposite any outdoor activities or building openings of an adjoining industrial use.	The proposal is for a lot reconfiguration (boundary realignment) only.
Section 4 Caretaker's accommodation		
PO7 Caretaker's accommodations are subsidiary to and compatible with the principal use on the same site.	AO7.1 Only one caretaker's accommodation is established on the site. and AO7.2 A caretaker's accommodation is not located at the front of the major use on the site. and AO7.3 A caretaker's accommodation is separated from the principal activity areas of the primary use of the site by at least 10m.	Not Applicable. The proposed development does not include caretaker's accommodation.
PO8 Caretaker's accommodations are compatible with the scale, character and appearance of the setting and provide for the accommodation needs of a caretaker and their family.	AO8.1 Where adjoining land used, or approved for use, for uses in the accommodation activities use group, a caretaker's accommodation is located adjacent to the adjoining use. and AO8.2 A caretaker's accommodation has a floor area no greater than 125m ² , has a balcony, verandah or deck with a minimum area of	Not Applicable. The proposed development does not include caretaker's accommodation.

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
	<p>6m² with minimum dimensions of 3m.</p> <p>and</p> <p>AO8.3 A caretaker's accommodation is provided with private open space which is directly accessible from a habitable room.</p> <p>and</p> <p>AO8.4 A caretaker's accommodation is setback:</p> <ul style="list-style-type: none"> (a) A minimum of 1.5m from the common property boundary to an adjoining residential use; or (b) A minimum of 10m from the principal activity areas of an industrial or commercial use on an adjoining allotment. <p>and</p> <p>AO8.5 The caretaker's accommodation is provided with 1 car parking space segregated from the car parking supply for the non-residential use of the site.</p>	
Section 5 Dual occupancy		
<p>PO9 Dual occupancies are dispersed to maintain the intended low density residential character of the Zone.</p>	<p>AO9.1 No dual occupancy is established on a site adjoining an existing or approved dual occupancy.</p>	<p>Not Applicable. The proposed development does not include a dual occupancy.</p>
<p>PO10 Development provides sufficient open space to meet the recreational and privacy needs of residents.</p>	<p>AO10.1 Each dwelling in a dual occupancy is provided with private open space of a minimum consolidated area of 40m² with a minimum dimension of 3m.</p> <p>and</p> <p>AO10.2 Private open space is directly accessible from the living areas of the dwelling and is screened from adjoining development.</p>	<p>Not Applicable. The proposed development does not include a dual occupancy.</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
	and AO10.3 Internal screen fencing of ground level private open space is provided to a minimum height of 1.5m.	
Section 6 Home-based business		
PO11 Home based businesses are a small-scale component of the principal use on the site.	AO11.1 The area used for a home-based business is: <ul style="list-style-type: none"> (a) for a bed and breakfast – bedrooms with a maximum capacity of 6 people (b) for outdoor activities – maximum 20m² (c) in all other circumstances – maximum 50m² and AO11.2 Except for a bed and breakfast, the home-based business is conducted in, under or with 20m of the principal dwelling. or AO11.3 A home-based business is setback from the road frontage of the site a distance greater than the existing building line. and AO11.4 No more than one non-resident of the site is employed in the home-based business.	Not Applicable. The proposed development does not include a home-based business.
PO12 The conduct of home based businesses minimises the off-site impacts on the amenity of the local residential area and the health and safety of its residents.	AO12.1 Except for a bed and breakfast, operating hours are limited to 7am to 8pm Monday to Friday (excluding public holidays) and 8am to 4pm on other days. and AO12.2 The use does not produce noise emissions more than 3dB(A) above background noise levels at the property boundary. and	Not Applicable. The proposed development does not include a home-based business.

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
	<p>AO12.3 The use does not generate dust or other particle emissions measurable at the property boundary.</p> <p>and</p> <p>AO12.4 The use does not involve the storage of hazardous or noxious materials in quantities beyond that reasonably associated with the dwelling.</p> <p>and</p> <p>AO12.5 The use does not involve the servicing or repair of vehicles not reasonably associated with the use of the dwelling.</p> <p>and</p> <p>AO12.6 The occupation does not rely on transport provided by vehicles larger than a 3-tonne rigid vehicle.</p> <p>and</p> <p>AO12.7 The occupation does not involve the hiring out of any machinery or equipment.</p>	
<p>PO13 Car parking and access is provided in a safe, attractive and functional manner.</p>	<p>AO13.1 Except for a bed and breakfast, homebased businesses provide a maximum of one parking space in addition to the requirements of the principal dwelling.</p> <p>or</p> <p>AO13.2 A bed and breakfast provides parking in addition to the requirements of the principal dwelling at the rate of one space per bedroom.</p>	<p>Not Applicable. The proposed development does not include a home-based business.</p>
Section 7 Secondary dwelling		
<p>PO14 A secondary dwelling must be subsidiary to its primary dwelling.</p>	<p>AO14.1 A secondary dwelling is no larger than 70m² in gross floor area or</p>	<p>Not Applicable. The proposed development does not include a secondary dwelling.</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
	<p>40% of the gross floor area of the primary dwelling, whichever is less.</p> <p>and</p> <p>AO14.2 Parking is provided for one vehicle and access to it is via the same driveway as the primary dwelling.</p>	
Section 8 Business activities		
<p>PO15 The scale, bulk and design of buildings provides a safe and welcoming built environment and is consistent with the intended streetscape character in the township.</p>	<p>AO15.1 Buildings are a maximum of 2 storeys above ground level.</p> <p>and</p> <p>AO15.2 Building entrances are clearly visible from the street.</p> <p>and</p> <p>AO15.3 Development incorporates an all-weather awning built to a line 0.5m short of all carriageways with at least 3m vertical clearance.</p> <p>and</p> <p>AO15.4 Plant and service equipment (air conditioning, exhaust fans, lift motor rooms, refuse bins, telecommunication devices, etc) are integrated into buildings.</p>	<p>Not Applicable. The proposal is for a lot reconfiguration (boundary realignment) only.</p>
<p>PO16 Development respects the amenity and intended urban form of adjoining residential sites.</p>	<p>AO16.1 Where adjoining land is used, or approved for use, for a residential use, development provides:</p> <ul style="list-style-type: none"> (a) 1.8m high screen fencing to all side and rear boundaries; and (b) minimum 5m side and rear boundary setbacks; and (c) minimum 3m boundary setback to street frontages. 	<p>Not Applicable. The proposal is for a lot reconfiguration (boundary realignment) only.</p>
<p>PO17 Buildings maximise shop-front exposure to streets.</p>	<p>AO17.1</p>	<p>Not Applicable.</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
	<p>Buildings are built to side boundaries, except for pedestrian and vehicular access.</p> <p>and AO17.2 The ground level comprises display windows and active space (e.g. shops, cafés, offices, personal services, hotels, medical facilities and small showrooms).</p> <p>and AO17.3 Buildings incorporate windows and doors opening to the street.</p>	<p>The proposal is for a lot reconfiguration (boundary realignment) only.</p>
<p>PO18 Refuse storage areas are located for convenient collection, screened from public view and provided with facilities for self-contained cleaning.</p>	<p>AO18.1 Refuse storage areas are located behind the front building line.</p> <p>and AO18.2 The refuse storage area is provided in a building or other enclosed structure screened to a minimum height of 0.2m above the height of the refuse receptacles.</p> <p>and AO18.3 Refuse storage areas are provided with an impervious base that is drained to an approved waste disposal system and provided within a dedicated hose cock.</p>	<p>Not Applicable. The proposal is for a lot reconfiguration (boundary realignment) only.</p>
<p>Section 9 Industrial activities</p>		
<p>PO19 Buildings are sited to achieve an acceptable standard of visual amenity.</p>	<p>AO19.1 Where adjoining land used, or approved for use, for a residential use, buildings are setback a minimum of 10m from the common property boundary.</p> <p>or AO19.2 Where adjoining land is used, or approved for use, for industrial use, buildings have no minimum</p>	<p>Not Applicable. The proposal does not involve an industrial activity.</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
	<p>setbacks to the common property boundary.</p> <p>and</p> <p>AO19.3 In all other circumstances, buildings are setback a minimum of 4m from the common property boundary.</p>	
<p>PO20 Development presents a high quality appearance when viewed from public areas.</p>	<p>AO20.1 Where adjoining land is used, or approved for use, for uses in the residential or accommodation activities use group, the maximum length of any wall without articulation or change of material is no more than half the length of the common boundary. or In all other circumstances, the maximum length of any wall without articulation or change of material is no more than 30m.</p> <p>and</p> <p>AO20.2 All parts of the building facades visible from an arterial or higher order road are constructed predominantly of brick or coloured concrete or masonry and do not incorporate highly reflective materials.</p> <p>and</p> <p>AO20.3 Buildings include variation in parapet design, roofing heights and treatments.</p> <p>and</p> <p>AO20.4 The main entry to the building is easily identifiable from and directly accessible from the principal street frontage of the site and any ancillary office or sales area is located at the front of the building.</p>	<p>Not Applicable. The proposal does not involve an industrial activity.</p>
<p>PO21</p>	<p>AO21.1</p>	<p>Not Applicable.</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
<p>Landscaping is provided to enhance the established streetscape, protect visual amenity, preserve sight lines and offer effective screening of unsightly activities.</p>	<p>A minimum of 3% of the site is used to provide landscaping.</p> <p>and</p> <p>AO21.2 Landscaping comprising large trees and spreading groundcovers is provided along all road frontages of the site, for a minimum depth of:</p> <ul style="list-style-type: none"> (a) 2m along a State-controlled road or an arterial road; or (b) 1m along any other road frontage. <p>and</p> <p>AO21.3 Landscaping is provided to side and rear boundaries for a minimum depth of:</p> <ul style="list-style-type: none"> (a) 2m where adjoining a sensitive receptor; (b) 0m where adjoining an industrial use; or (c) 1m in all other circumstances. <p>and</p> <p>AO21.4 Existing trees that already contribute to these requirements are retained where their removal is not required to site the use.</p>	<p>The proposal does not involve an industrial activity.</p>
<p>PO22 Site access facilitates the efficient, effective, safe and convenient functioning of transport infrastructure.</p>	<p>AO22.1 Access arrangements preclude the need for vehicles to reverse on or off the site.</p> <p>and</p> <p>AO22.2 Site access is provided that is at least 15m from an uncontrolled intersection or 30m from an intersection with traffic lights or islands.</p> <p>and</p> <p>AO22.3</p>	<p>Not Applicable. The proposal does not involve an industrial activity.</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
	Where practical, adjoining industrial uses utilise a shared access point.	
<p>PO23 Development does not adversely affect the safety and security of people and property.</p>	<p>AO23.1 Storage of dangerous goods and combustible liquids is limited to Classes 1.2-1.6, 2.2, 3 and 5.1 items of the Australian Code for the Transport of Dangerous Goods by Road and Rail in amounts not exceeding 50 kilograms or litres and stored internally or under cover.</p> <p>and</p> <p>AO23.2 The office component is designed with 25% of un-obscured glazing in facades facing public areas of the site and the street.</p>	<p>Not Applicable. The proposal does not involve an industrial activity.</p>
<p>PO24 Development minimises disturbance to the geotechnical, hydrological, and environmental characteristics of the site and its setting.</p>	<p>AO24.1 Development is located on land with less than 10% slope.</p> <p>and</p> <p>AO24.2 Development occurs in areas outside of stormwater discharge points, overland flow paths and natural drainage features.</p> <p>and</p> <p>AO24.3 Stormwater is directed away from areas of potential contamination.</p> <p>and</p> <p>AO24.4 Areas where potentially contaminating substances are stored or used are covered and bunded.</p> <p>and</p> <p>AO24.5 Provision is made for spills to be controlled on-site for removal and disposal by an approved means.</p> <p>and</p> <p>AO24.6</p>	<p>Not Applicable. The proposal does not involve an industrial activity.</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
	Liquid or solid wastes are not discharged directly to land or waters.	
<p>PO25 Refuse storage areas are located for convenient collection, screened from public view and provided with facilities for self-contained cleaning.</p>	<p>AO25.1 Refuse storage areas are located behind the front building line.</p> <p>and</p> <p>AO25.2 The refuse storage area is provided in a building or other enclosed structure screened to a minimum height of 0.2m above the height of the refuse receptacles.</p> <p>and</p> <p>AO25.3 Refuse storage areas are provided with an impervious base that is drained to an approved waste disposal system and provided within a dedicated hose cock.</p>	<p>Not Applicable. The proposal does not involve an industrial activity.</p>
<p>PO26 The operation of the development does not adversely impact on the amenity of any nearby residential or other sensitive land use (as defined in the Regulation).</p>	<p>AO26.1 Outdoor lighting is designed, installed and maintained in accordance with AS4282 – Control of the Obtrusive Effects of Outdoor Lighting.</p> <p>and</p> <p>AO26.2 Noise emission from the use meets the standards prescribed in the Environmental Protection (Noise) Policy 2008.</p> <p>and</p> <p>AO26.3 New plant, equipment and service areas are located no less than 2m from the landscape buffer required by AO19.3 of this Code or are housed in the building.</p> <p>and</p> <p>AO26.4 Outdoor activities and heavy vehicle movements are restricted</p>	<p>Not Applicable. The proposal does not involve an industrial activity.</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
	<p>to between 7am to 7pm Monday to Saturday.</p> <p>and</p> <p>AO26.5 Indoor activities occurring between 7pm and 7am or on Sundays are limited to office and administrative tasks or are not audible or visible from outside the building.</p> <p>and</p> <p>AO26.6 All on-site manoeuvring areas are sealed.</p> <p>and</p> <p>AO26.7 No building openings occur in walls facing a common boundary shared with a residential or accommodation activity. And</p> <p>AO26.8 Where the site is on the opposite side of the road to a public park or residential zone, all on-site activity, open storage and servicing is located at the rear of the building. or The full length of the property boundary, excluding site access, between external storage areas and road frontages, public parks or residential zones are provided with a 1.8m high screen fence. The screen fence includes a 5m return along any side boundary.</p> <p>and</p> <p>AO26.9 Where the site has a common boundary with a sensitive receptor, effective acoustic screening is provided to all areas where work could be conducted outside the building, including refuse collection.</p>	
<p>Section 10 For development affected by one or more overlays</p>		

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
Biodiversity overlay		Not Applicable. The site is not identified on the Biodiversity Overlay.
Bushfire hazard overlay		Not Applicable. The site is not identified on the Bushfire Hazard Overlay.
Flood hazard overlay		Not Applicable. The site is not identified on the Flood Hazard Overlay.
Historic subdivisions overlay		Not Applicable. The site is not identified on the Historic Subdivisions Overlay.
Water catchments overlay		Not Applicable. The site is not identified on the Water Catchments Overlay.

Summary of Compliance with Township Zone Code

The proposed development complies with or can be conditioned with the relevant acceptable outcomes of the Township Zone Code with the exception of AO3.6. A performance outcome is sought with the relevant outcome (PO3) requiring that development be adequately serviced. While the proposal is for a boundary realignment only, it is relevant that the existing use of the proposed lot fronting Alexander Street is a Post Office. The applicant reported that the Post Office is currently serviced via a loading zone in Alexander Street while no staff parking is necessary on site. On this basis, while there is no formal access to the lot, it remains adequately serviced having regard to the existing use.

Reconfiguring a Lot Code

Table 8.4.1—Assessable development

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
Section 1 Boundary realignment		
<p>PO1 The boundary realignment:</p> <ul style="list-style-type: none"> (a) results in lots that are consistent with the established subdivision pattern of the local area; (b) maintains or improves the utility of the lots; (c) does not create a situation where the use or buildings on the resulting lots become unlawful. 	<p>AO1.1 Development provides that allotment area, dimension and shape are in accordance with the standards in Table 8.4.2, except where the reconfiguration is boundary realignment and the outcome is preferable to the current allotment configuration.</p> <p>and</p> <p>AO1.2 The utility of the lots is maintained or improved where:</p> <ul style="list-style-type: none"> (a) a frontage to depth ratio exceeds that of the existing allotments; (b) access is provided to an allotment that previously 	<p>Complies with Performance Outcome. The proposed boundary realignment results in one lot with a frontage to Gatacre Street and one lot with a frontage to Alexander Street. The current lot configuration includes the existing house and post office lots with frontages to Alexander Street, with access gained from the rear (Gatacre Street). The proposed development removes the access point for the post office lot, however, retains the existing crossover for the dwelling house lot. The boundary realignment is considered appropriate however as it allows</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
	<p>had no access or an unsuitable access;</p> <p>(c) an existing boundary encroachment by a building or areas is corrected;</p> <p>and</p> <p>AO1.3 The realignment does not result in a building contravening the setback, standards required by this Planning Scheme or relevant building regulations.</p> <p>and</p> <p>AO1.4 The realignment results in a larger lot that is a more viable farming unit.</p>	<p>both structures to be wholly contained within their respective lots, therefore improving the utility of the lots, consistent with PO1.</p>
Section 2 Reconfiguration under a Community Title Scheme	Not Applicable. The proposed reconfiguration is not for a community title scheme.	
Section 3 All other reconfiguration	Not Applicable. The proposed reconfiguration is for a boundary realignment.	
Section 4 All reconfiguring a lot subject to an overlay		
Agricultural land overlay		
<p>PO16 The productive capacity and utility of agricultural land for rural activities is maintained.</p>	<p>AO16.1 In the Rural zone only, no additional allotments are created in the area identified as agricultural land on SPP Interactive Mapping (Plan Making);</p> <p>or</p> <p>AO16.2 In the Rural zone only, a Farm management plan prepared by a suitably qualified agronomist demonstrates that the existing productivity of the land area is not reduced.</p>	<p>Not Applicable. The site is not in the Rural zone.</p>
Airport environs overlay	Not Applicable. The site is not identified on the Airport Environs Overlay.	
Biodiversity overlay	Not Applicable. The site is not identified on the Biodiversity Overlay.	
Bushfire hazard overlay	Not Applicable. The site is not identified on the Bushfire Hazard Overlay.	
Flood hazard overlay	Not Applicable. The site is not identified on the Flood Hazard Overlay.	

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of proposed development
Regional infrastructure overlay		Not Applicable. The site is not identified on the Regional Infrastructure Overlay.
Waterways, wetlands and catchments overlay		Not Applicable. The site is not identified on the Waterways, Wetlands and Catchments Overlay.

Summary of Compliance with the Reconfiguring a Lot Code:

The proposed development seeks to realign the boundaries of current Lot 3 and Lot 4 on RP56931. There is a Performance Outcome with respect to proposal as the realignment will result in the removal of access for the proposed Lot 5. Despite this however, the proposal is considered to comply with the Reconfiguring a Lot Code as the boundary realignment will allow both existing structures to be wholly contained within their respective lots through creating two more regularly shaped lots. On this basis, 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
Section 1 General		
PO1 The development is planned and designed considering the land use constraints of the site for achieving stormwater design objectives.	AO1.1 A stormwater quality management plan provides for achievable stormwater quality treatment measures that meet the design objectives identified in Table 9.4.4.	Complies with Performance Outcome. A stormwater quality management plan is not required as the proposal is for a boundary realignment and does not increase the intensity of uses across the site.
PO2 Development does not discharge wastewater to a waterway or off-site unless demonstrated to be best practice environmental management for that site.	AO2.1 A wastewater management plan prepared by a suitably qualified person and addresses : (a) wastewater type; (b) climatic conditions; (c) water quality objectives; (d) best-practice environmental management; and AO2.2 Wastewater is managed in accordance with a waste management hierarchy that: (a) avoids wastewater discharge to waterways; or	Complies with Performance Outcome. A wastewater management plan has not been prepared however the Applicant has sufficiently demonstrated that existing on-site wastewater disposal systems are able to be contained wholly within the lots they serve.

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
	(b) minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and groundwater	
<p>PO3 Construction activities avoid or minimise adverse impacts on stormwater quality.</p>	<p>AO3.1 An erosion and sediment control plan addresses the design objectives for the construction phase in Table 9.4.4</p>	<p>Not Applicable. The proposal does not require any construction activities.</p>
<p>PO4 Operational activities avoid or minimise changes to waterway hydrology from adverse impacts of altered stormwater quality and flow.</p>	<p>AO4 Development incorporates stormwater flow control measures to achieve the design objectives for the postconstruction phase in Table 9.4.4.</p>	<p>Not Applicable. The proposal does not require any operational activities.</p>
Section 2 Infrastructure		
<p>PO5 Development is provided with infrastructure which:</p> <ul style="list-style-type: none"> (a) conforms with industry standards for quality; (b) is reliable and service failures are minimised; and (c) is functional and readily augmented. 	<p>AO5.1 Except in the Rural zone, all development occurs on a site with frontage to a sealed road.</p> <p>And</p> <p>AO5.2 Infrastructure is designed and constructed in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>	<p>Complies with Performance Outcome. The proposed Lot 6 fronts and gains access from Gatacre Street, an unsealed road. This is however an existing access point and therefore can be considered as suitable as the proposal does not introduce any new uses or lots which may increase movements along Gatacre Street.</p>
Section 3 Vehicle Parking		
<p>PO6 Vehicle parking and access is provided to meet the needs of occupants, employees, visitors and other users.</p>	<p>AO6.1 Vehicle parking spaces are provided on-site in accordance with Table 9.4.5.</p> <p>and</p> <p>AO6.2 A service bay is provided on-site for the service vehicle nominated in Table 9.4.5.</p> <p>and</p> <p>AO6.3 Driveway crossings are provided to the standard contained in</p>	<p>Not Applicable. The proposal is for a lot reconfiguration (boundary realignment).</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
	<p>PSP1 – Design and Construction Standards.</p> <p>And AO6.4 Vehicle parking and manoeuvring areas are provided in accordance with the standards contained in PSP1 – Design and Construction Standards.</p>	
Section 4 Landscaping		
<p>PO7 Landscaping is appropriate to the setting and enhances local character and amenity.</p>	<p>AO7.1 Landscaping is provided in accordance with the relevant zone code provisions.</p> <p>And AO7.2 Where shade tree planting is required in vehicle parking areas each planting bed has a minimum area of 2m² and is unsealed and permeable.</p> <p>And AO7.3 Plantings along frontages or boundaries are in the form of defined gardens with three tier planting comprised of groundcovers, shrubs (understorey), and trees (canopy) and provided with a drip irrigation system, mulching and border barriers.</p>	<p>Not Applicable. The proposal is for a lot reconfiguration (boundary realignment) which does not involve landscaping.</p>
<p>PO8 Plant species avoid adverse impacts on the natural and built environment, infrastructure and the safety of road networks.</p>	<p>AO8.1 Landscaping utilises plant species that are appropriate for the location and intended purpose of the landscaping.</p> <p>And AO8.2 Species selection avoids non-invasive plants.</p> <p>Editor's Note. Guidance on plant selection is provided in Branching Out – Your Handy Guide to tree Planting in the South Burnett available from Council.</p>	<p>Not Applicable. The proposal is for a lot reconfiguration (boundary realignment) which does not involve landscaping.</p>
PO9	AO9.1	Not Applicable.

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
<p>Development results in ground levels that retain:</p> <ul style="list-style-type: none"> (a) access to natural light; (b) aesthetic amenity; (c) privacy; and (d) safety. 	<p>The depth of:</p> <ul style="list-style-type: none"> (a) fill is less than 2m above ground level; or (b) excavation is less than 2m below ground level. <p>And</p> <p>AO9.2 The toe of the fill, or top of the excavation is not less than 0.5m inside the site property boundary.</p> <p>And</p> <p>AO9.3 Works do not occur on slopes over 15% in grade.</p> <p>And</p> <p>AO9.4 Retaining walls over 1m in height are terraced 1.5m for every 1m in height and landscaped.</p> <p>And</p> <p>AO9.5 Batter slopes are not steeper than 25% and are grassed and terraced 1.5m for every 1m in height.</p> <p>And</p> <p>AO9.6 Filling or excavation for the purpose or retention of water:</p> <ul style="list-style-type: none"> (a) is certified by an RPEQ engineer to safely withstand the hydraulic loading; (b) directs overflow such that no scour damage or nuisance occurs on adjoining lots. 	<p>The proposal is for a lot reconfiguration (boundary realignment) which does not involve filling or excavation.</p>
<p>PO10 Filling or excavation does not cause damage to public utilities.</p>	<p>AO10 Filling or excavation does not occur within 2m horizontally of any part of an underground water supply, sewerage, stormwater, electricity or telecommunications system.</p>	<p>Not Applicable. The proposal is for a lot reconfiguration (boundary realignment) which does not involve filling or excavation.</p>
<p>AO11 Filling and excavation avoids water ponding on the premises or</p>	<p>AO11 Following filling or excavation:</p> <ul style="list-style-type: none"> (a) The premises: 	<p>Not Applicable. The proposal is for a lot reconfiguration (boundary</p>

Performance outcomes	Requirements for accepted development and assessment benchmarks	Assessment of Proposed Development
nearby premises that will adversely impact on the health of the community.	<ul style="list-style-type: none"> (i) Are self-draining; and, (ii) Has a minimum slope of 0.25%; and (b) Surface water flow is: <ul style="list-style-type: none"> (i) Directed away from neighbouring properties; or (ii) Discharged into a stormwater drainage system designed and constructed in accordance with AS3500 section 3.2 	realignment) which does not involve filling or excavation.

Summary of Compliance with the Services and Works Code:

The proposed development generally complies with the acceptable outcomes of the Services and Works Code. There are performance outcomes in relation to stormwater, wastewater, and lot access, however, as the proposal is for a boundary realignment only which does not involve any increase in lots or uses, the proposal is considered to comply with the code. Additionally, no earthworks are proposed

5. CONSULTATION

Referral Agencies

State Assessment and Referral Agency	N/A
Other	N/A

Council Referrals

<i>INTERNAL REFERRAL SPECIALIST</i>	<i>REFERRAL / RESPONSE</i>
Development Engineer	Council's Development Engineer provided standard engineering conditions and calculated the Infrastructure Charges.
The Engineer provided background to two of the Engineering conditions relating to Onsite wastewater disposal and access as follows:-	The existing Post Office has a traditional septic system, comprising a septic tank and trench. Inevitably these systems fail, and need to be replaced. A further consideration is that it is accepted development for the post office to be converted into a house, with the existing wastewater disposal arrangement being undersized for such a use. As the proposed Lot 5 is only 430m ² , a request for information was sent seeking further information about the available area for a wastewater Land Application Area should the existing arrangement fail. An adequate response to the request was not provided, and hence it has been conditioned that a plan be provided, by a suitably qualified person, demonstrating the sufficient area is available. This may mean that the proposed boundary needs to be adjusted.
	In the event that the post office is converted to a dwelling at some point, an access and car parking space within proposed Lot 5 needs to be

	available, but is not needed to be provided at this point in time. Council sought information regarding an access location, and demonstrate that a vehicle can enter and exit in the forward direction. An adequate response was not provided, and hence it has been conditioned that a plan be provided demonstrating that a car can enter and exit in the forward direction.
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Public Notification

Date notification commenced	N/A
Date notification completed	N/A
Date notice of compliance received	N/A

6. RECOMMENDATION

That Council approve the Development Permit for a Reconfiguration of a Lot (Boundary Realignment – 2 Lots into 2 Lots) at 41 & 43 Alexander Street, Wooroolin (formally described as Lots 3 & 4 on RP56931) – Applicant – W Turner c/- ONF Surveyors.

Grounds to support the approval of the development application –

- The boundary realignment is appropriate for the site and is anticipated by the Planning Scheme.
- Services are available to both lots currently with the proposal not altering existing arrangements.

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

NOTICE ABOUT DECISION – STATEMENT OF REASONS

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

Applicant:	W Turner c/- ONF Surveyors
Application No:	RAL23/0013
Proposal:	Reconfiguring a Lot (Boundary Realignment – 2 Lots into 2 Lots)
Street Address:	41 & 43 Alexander Street, Wooroolin
RP Description:	Lots 3 & 4 on RP56931
Assessment Type:	Code Assessable
Number of Submissions:	N/A

On 12 September 2023 the above development was recommended for:

- Approval
 Refusal

1. Reasons for the Decision

The reasons for this decision are:

- The boundary realignment is appropriate for the site and is anticipated by the Planning Scheme.
- Services are available to both lots currently with the proposal not altering existing arrangements.

2. Assessment Benchmarks

The following are the benchmarks apply to this development:

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

3. Compliance with Benchmarks

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

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

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

APPLICANT: W Turner
C/- ONF Surveyors
PO Box 896
KINGAROY QLD 4610

APPLICATION: Reconfiguration of a Lot - Boundary Realignment - Code Assessable

DATE: 05/09/2023

FILE REFERENCE: RAL23/0013

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

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

AUTOMATIC INCREASE OF LEVIED CHARGE: The amount of the levied charge is subject to an automatic increase. Refer to the Information Notice attached to this notice for more information on how the increase is worked out.

LAND TO WHICH CHARGE APPLIES: Lot 3 & 4 on RP56931

SITE ADDRESS: 41 & 43 Alexander St, Woooloolin

PAYABLE TO: **South Burnett Regional Council**

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

OFFSET OR REFUND: Not Applicable.

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

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lots (2)	2	allotments	\$2,009.00	CR Table 2.3	\$4,018.00

Stormwater

Adopted Charges

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

Discounts*

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing lots (2)	2	allotments	\$401.00	CR Table 2.3	\$802.00

Levied Charges

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

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

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