

Enquiries: Veronnica Harris
Phone: 07 4189 9100
IR1426464 VH:JT

IDAS Development Application Negotiated Decision Notice

Sustainable Planning Act 2009

Reconfiguration of a Lot (Boundary realignment)

South Burnett Regional Council

ABN 89 972 463 351

PO Box 336

Kingaroy QLD 4610

☎ 1300 789 279 or (07) 4189 9100

☎ (07) 4162 4806

✉ info@southburnett.qld.gov.au

🌐 www.southburnett.qld.gov.au

2 July 2015

O'Reilly Nunn Favier
PO Box 896
KINGARROY QLD 4610

Reference: 4373

Dear Merv

I refer to your letter dated 26 February 2015, seeking a Negotiated Decision Notice in respect of your approval for a Reconfiguration of a Lot (Boundary realignment) at 22 Bridget Carroll Road, Kingaroy, (and also described as Lot 9 on RP180621).

Your request was considered by Council and approved by Delegated Authority on Thursday 2 July 2015.

The following schedule provides the relevant details.

1 NATURE OF THE CHANGES

Delete Conditions ENG10 & ENG11 (Water Supply) and amend RAL 3 (Infrastructure Charge) as outlined below (deleted text in strikethrough and new text in bold):

Infrastructure Charge

RAL3. The proposed development is inconsistent with the planning assumptions of the Adopted Infrastructure Charges Resolution No.1 (2013) and the land is located outside of the Priority Infrastructure Area.

Payment of the adopted infrastructure charge for ~~water and parks~~ contained in the attached Adopted Infrastructure Charges Notice must be paid prior to Council sealing the Plan of Survey.

Water Supply

~~ENG10. Prior to sealing the Plan of Survey, the applicant shall demonstrate that an adequate reticulated town water supply connection to service the full requirements of the balance Lot 9 can be made available at the property boundary in accordance with the requirements of Schedule 2, Division 3.2 – Design and Construction Standards, Table S2.10 of the Kingaroy Shire IPA Planning Scheme.~~

Customer Service Centres

- ☐ **Blackbutt** 69 Hart Street
- ☐ **Kingaroy** 45 Glendon Street
- ☐ **Nanango** 48 Drayton Street

- ☐ **Murgon** 42 Stephens Street West
- ☐ **Wondai** Cnr Mackenzie & Scott Streets

ENG11. The existing 100mm diameter water main in Bridgett Carroll Road shall be extended to a point at least 1 metre south of the southern boundary of proposed Lot 10 and terminated with a fire hydrant. The main shall be designed in accordance with the *Planning Guidelines for Water Supply and Sewerage, April 2010* and Technical Bulletins published by the Department of Natural Resources & Mines and shall consider the demand and pressure required at each lot.

The applicant shall submit detailed plans to comply with this condition, with a separate Development Permit application for Operational Works.

Adopted Infrastructure Charges Notice

To: Nikki Johnson
C/- O'Reilly Nunn Favier
PO Box 896
KINGAROO QLD 4610

Reference: 4373

Date of Issue: 14 January 2015

Reference Number: IR1384200

Amount of the Charge: \$9,223.50

Land to which the charge applies: 22-30 Bridget Carroll Road, Kingaroo
(and described as Lot 9 on RP180621)

The person to whom the charge must be paid: South Burnett Regional Council

When the charge is payable: **Reconfiguration of a Lot:** Before the Council seals the Survey Plan for the creation of two rural lots (in accordance with Section 648H (a) of the *Sustainable Planning Act 2009*).

Advisory Notes:

- The abovementioned charge may in the future be indexed;
- Enquiries regarding this Adopted Infrastructure Charges Notice can be made by contacting Council's Manager Technical Services on 4189 9425;
- The apportionment of infrastructure charges to the relevant networks is proposed as follows:

| 22-30 Bridget Carroll Road, Kingaroo | | | | | | | |
|---|-------------------------|-------------------|-----------------------|----------|------|-------------|----------------------------|
| RAL | | | | | | | |
| ADOPTED INFRASTRUCTURE CHARGES - Outside of PIA | | | | | | | |
| References: | 1384200 | | | | | | |
| Date: | 20/11/2014 | | | | | | |
| Item | Description | Development Class | Unit | Quantity | Rate | Amount | Proportion (Water & Parks) |
| (a) | split existing lot 9 | Residential | No. of dwelling units | 2 | 8385 | \$16,770.00 | \$9,223.50 |
| (b) | RAL credit existing lot | - | - | 1 | 8385 | \$8,385.00 | \$4,611.75 |
| - | TOTAL | - | - | - | - | \$8,385.00 | \$4,611.75 |

Adopted Infrastructure Charges Notice

To: Nikki Johnson
C/- O'Reilly Nunn Favier
PO Box 896
KINGAROY QLD 4610

Reference: 4373

Date of Issue: 29 June 2015

Reference Number: IR1426464

Amount of the Charge: \$1,288.50

Land to which the charge applies: 22-30 Bridget Carroll Road, Kingaroy
(and described as Lot 9 on RP180621)

The person to whom the charge must be paid: South Burnett Regional Council

When the charge is payable: **Reconfiguration of a Lot:** Before the Council seals the Survey Plan for the creation of two rural lots (in accordance with Section 648H (a) of the *Sustainable Planning Act 2009*).

Advisory Notes:

- The abovementioned charge may in the future be indexed;
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| 22- 30 Bridget Carroll Road, Kingaroy | | | | | | | |
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| Date: | 20/11/2014 | | | | | | |
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| (a) | split existing lot 9 | Residential | No. of dwelling units | 2 | 8385 | \$16,770.00 | \$1,677.00 |
| (b) | RAL credit existing lot | | | 1 | 8385 | \$8,385.00 | \$388.50 |
| | TOTAL | | | | | \$8,385.00 | \$1,288.50 |

2 REFERRAL AGENCIES

Concurrence Agencies: Nil

Advice Agencies: Nil.

3 CONDITIONS

Assessment Manager's Conditions – See Attachment A.

4 FURTHER DEVELOPMENT APPROVALS REQUIRED

N/A

5 PROPERLY MADE SUBMISSIONS

No public submission was made with respect to the proposal.

6 RIGHTS OF APPEAL

Details on rights of appeal are attached for your information and a Notice of Appeal can be accessed on <http://www.courts.qld.gov.au>

With a view to early completion of the appeal process, it is in your interest to advise Council of your acceptance of the approval and conditions or to lodge an Appeal at your earliest convenience – as pursuant to Division 5, s339 of the *Sustainable Planning Act 2009* the approval does not take effect until the completion of the applicants' Appeal Period.

7 ASSESSMENT MANAGER

South Burnett Regional Council.

Yours faithfully



Chris du Plessis
MANAGER – PLANNING & LAND MANAGEMENT

Enc

ATTACHMENT A
ASSESSMENT MANAGER'S CONDITIONS
SOUTH BURNETT REGIONAL COUNCIL

General

- GEN1. The subject site is to be developed generally in accordance with the plans and information submitted with the application unless otherwise amended by the following conditions:
- Drawing No: 4373 P1, Sheet No: 1 of 1, Rev -, Title: Proposed Reconfigure a lot (1 lot into 2 lots), Drawn by: O'Reilly Nunn Favier and dated 17/9/14
- GEN2. All works, including the repair or relocation of services (Telstra, lighting) is to be completed at no cost to Council.

Compliance Assessment

- GEN3. All conditions of this approval are to be satisfied prior to Council issuing a Compliance Certificate for the sealing of the Survey Plan, and it is the applicant's responsibility to notify Council to inspect compliance with conditions.

A Compliance Certificate fee will be charged, with payment required prior to Council approval of the associated documentation requiring compliance assessment.
Expose.

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.

Natural Resources Valuation Fees

- RAL2. Payment of Department of Natural Resources and Mines valuation fees that will result from the issue of split valuations prior to Council sealing the Plan of Survey. The contribution is currently assessed at \$92.00 (2 x \$46.00); 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.

Infrastructure Charge

- RAL3. The proposed development is inconsistent with the planning assumptions of the Adopted Infrastructure Charges Resolution No.1 (2013) and the land is located outside of the Priority Infrastructure Area.

Payment of the adopted infrastructure charge for ~~water and parks~~ contained in the attached Adopted Infrastructure Charges Notice must be paid prior to Council sealing the Plan of Survey.

Property Access

- ENG 1. Prior to sealing the survey plan, provide access to the proposed Lot 10 from the abutting road carriageway of Bridget Carroll Road at a point approximately 55 metres south of the southern boundary of existing Lot 8 RP180621, in accordance with the details in IPWEAQ Standard Drawing SEQ R-056 and Table S2.7 – *Design and Construction Standards* of the Kingaroy Shire Council IPA Planning Scheme.
- ENG 2. Only one (1) access point from Bridget Carroll Road to the proposed balance Lot 9 is permitted.

ATTACHMENT A
ASSESSMENT MANAGER'S CONDITIONS
SOUTH BURNETT REGIONAL COUNCIL

ENG 3. The balance allotment entrance shall be constructed:

- (a) to allow access and egress from the site in a forward gear;
- (b) such that it does not cause a trip hazard to pedestrians;
- (c) to ensure that low-clearance vehicles can enter and leave the property; and
- (d) such that fencing, landscaping and letterboxes do not impede sight lines for vehicles leaving the site or driving along Bridget Carroll Road.

Roads

ENG4. The Applicant shall either:

- construct the extension of the sealed bitumen road along Bridget Carroll Road to the southern extent of the proposed property access driveway for the balance Lot 9, under a separate Development Permit for Operational Works; or
- reach an infrastructure agreement with Council to cover the cost of (a). The road would be built as part of future development of the balance Lot 9 RP180621.

ENG5. Subject to Condition ENG 4, Bridget Carroll Road shall be designed in accordance with the Austroads *Guide to Road Design*, Kingaroy Shire IPA Planning Scheme, *Queensland Streets* and where relevant *Rural Road Design – Guide to the Geometric Design of Rural Roads*. The road pavement shall be designed to cater for traffic loading for the ultimate development, to connect to and match the road formation and seal width of the existing sealed part of Bridget Carroll Road.

Property Boundaries

ENG6. All existing on-site structures and facilities including any transpiration and irrigation areas shall be relocated if necessary so as not to cross the proposed property boundaries.

Stormwater Drainage

ENG7. Management of stormwater shall be in accordance with the requirements of Schedule 2, Tables S2.11, S2.12 and S2.13 *Design and Construction Standards* of the Kingaroy Shire IPA Planning Scheme.

ENG8. The stormwater drainage system serving the proposed Lot 10 and balance Lot 9 shall be designed so that the post-development flows, at the point of discharge to all downstream properties including road reserves, remains consistent with the pre-developed case.

ENG9. Drainage shall be designed such that no restriction to existing or developed stormwater flow from upstream or downstream properties or ponding of stormwater within upstream and downstream properties occurs as a result of this development.

Water Supply

~~ENG10. Prior to sealing the Plan of Survey, the applicant shall demonstrate that an adequate reticulated town water supply connection to service the full requirements of the balance Lot 9 can be made available at the property boundary in accordance with the requirements of Schedule 2, Division 3.2 – *Design and Construction Standards*, Table S2.10 of the Kingaroy Shire IPA Planning Scheme.~~

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SOUTH BURNETT REGIONAL COUNCIL

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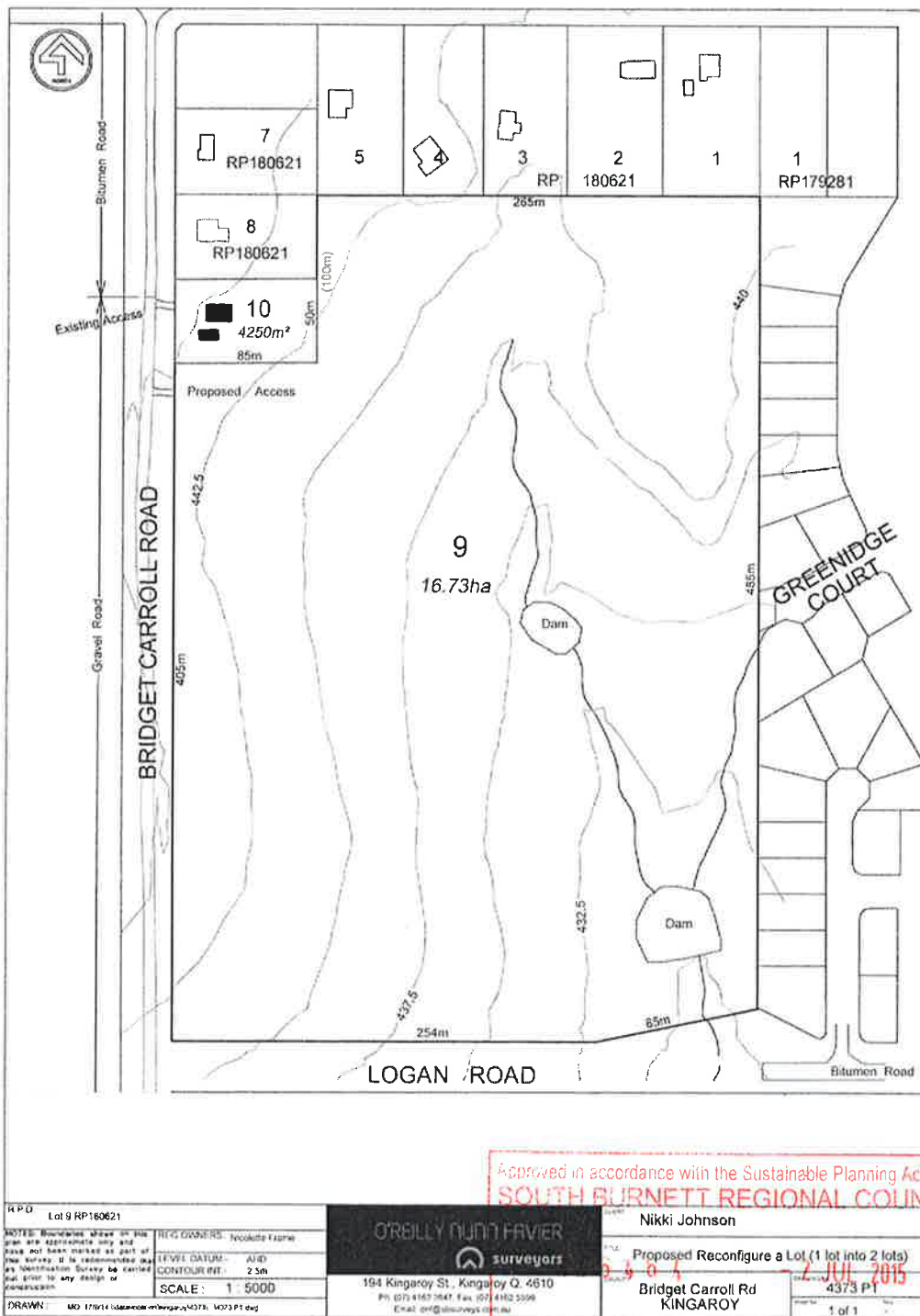
~~The applicant shall submit detailed plans to comply with this condition, with a separate Development Permit application for Operational Works.~~

Advice

- ADV1. Section 341(2)(a) of the *Sustainable Planning Act 2009* provides that, if this approval is not acted upon within the period of four (4) years the approval will lapse. Note that in accordance with section 341(7) a related approval may extend the relevant (currency) period.
- ADV2. Telecommunication connections can be arranged by emailing F1103721@team.telstra.com providing the following information:
- Full name; Address of property including state & postcode;
 - Lot No's and Plan No's; and
 - What the development is (units, subdivision, shop, etc)
- ADV3. 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.
- ADV4. Attached for your information is a copy of Division 8 of the *Sustainable Planning Act 2009* as regards Rights of Appeal. With respect to Appeal Rights of Applicants, the following is drawn to your attention—
- a) the applicant's Appeal Period commences upon receipt of this advice and expires twenty (20) business days thereafter.
 - b) should the applicant notify the Assessment Manager (Council) in writing of acceptance of the conditions of approval and that it is not intended to make an appeal, the Applicant's Appeal Period is at an end.
- ADV5. The property is outside the water supply area, therefore, a minimum of 45,000L rainwater storage should be made available to each individual lot.

ATTACHMENT A
ASSESSMENT MANAGER'S CONDITIONS
SOUTH BURNETT REGIONAL COUNCIL

Approved Plans





Adopted Infrastructure Charges Notice

To: Nikki Johnson
C/- O'Reilly Nunn Favier
PO Box 896
KINGAROY QLD 4610

Reference: 4373

Date of Issue: 29 June 2015

Reference Number: IR1426464

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| References:1384200 | | | | | | | |
| Date:20/11/2014 | | | | | | | |
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Appeal Rights

Sustainable Planning Act 2009
IDAS Development Application

The following is an extract from the
Sustainable Planning Act 2009

Division 8 Appeals to court relating to development applications and approvals

461 Appeals by applicants

(1) An applicant for a development application may appeal to the court against any of the following—

- (a) the refusal, or the refusal in part, of the development application;
- (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
- (c) the decision to give a preliminary approval when a development permit was applied for;
- (d) the length of a period mentioned in section 341;
- (e) a deemed refusal of the development application.

(2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—

- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
- (b) otherwise—the day a decision was required to be given to the applicant.

(3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

(1) A submitter for a development application may appeal to the court only against—

- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
- (b) the part of the approval relating to the assessment manager's decision under section 327.

(2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—

- (a) the giving of a development approval;
- (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.

(3) However, a submitter may not appeal if the submitter—

- (a) withdraws the submission before the application is decided; or
- (b) has given the assessment manager a notice under section 339(1)(b)(ii).

(4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

464 Appeals by advice agency submitters

(1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

(2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—

- (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
- (b) any part of the approval relating to the assessment manager's decision under section 327.

(3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.

(4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

(1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

(3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.

(4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

(1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—

- (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
- (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.

(2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.

(3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.

(4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

(1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.

(2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.