

Project Lead: Planning Officer – Zack Soper
Telephone: 07 4189 9100
Our Reference: RAL24/0017

31 January 2025

Blackbutt Central Pty Ltd
C/- ONF Surveyors
PO Box 896
KINGAROY QLD 4610

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

Dear Sir/Madam

Negotiated Decision Notice

Planning Act 2016

I refer to your application and the representations you made in respect to the decision notice. On 30 January 2025, Council's delegated authority decided your representations.

Details of the decision are as follows:

APPLICATION DETAILS

Application No: RAL24/0017
Street Address: 322 Crumpton Drive BLACKBUTT NORTH QLD 4314
Real Property Description: Lot 54 on RP174024
Planning Scheme: South Burnett Regional Council Planning Scheme

DECISION DETAILS

Council, on 21 November 2024, decided to issue the following type of approval:

Development Permit for Reconfiguring a Lot – Subdivision (1 Lot into 5 Lots)

In relation to representations, Council decided to:

Agree to delete condition/s ENG13 & ENG14.

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is four (4) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a "**necessary infrastructure condition**" for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

ASSESSMENT MANAGER CONDITIONS

GENERAL

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

Drawing No.	Drawing Title	Prepared By	Rev	Date
12137-P3B	Plan of Proposed Lots 6-10 CANCELLING LOT 54 ON RP174024 – 322 Crumpton Drive, Blackbutt North	ONF Surveyors	A	28/10/2024

DOCUMENTS REFERRED TO IN THIS APPROVAL

Document Title	Prepared By	Ref. No.	Rev	Date
Bushfire Hazard Advice Letter	Range Environmental Consultants	J002077	-	15/10/2024

GEN2. 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.

GEN3. Any new earthworks or structures are not to concentrate or impede the natural flow of water across property boundaries and onto any other lots.

GEN4. Prior to sealing the Plan of Survey, the applicant is required to undertake the following as necessary:

- a) Provide documentary evidence the existing structure on approved Lot 8 is certified by appropriately qualified person(s) inclusive of aspects relating (but not limited) to structural adequacy, fire separation, compliance against applicable building codes and provision of certificate of classification; **and**
- b) Provide evidence from appropriately qualified persons, the existing structure will not unduly impact on ability of future developments to locate on Lot 8 and operate in accordance with assessment benchmarks in the South Burnett Regional Council Planning Scheme 2017 v1.4, and/or any applicable condition included in this approval package; or
- c) If necessary, demolish the existing structure and remove all debris from approved Lot 8 in the event that GEN4 a) and GEN4 b) (above) cannot be complied with. Update the plan of subdivision accordingly, prior to Sealing of the Plan of Survey.
Note: Removal of the existing structure and amendment to survey plan will not require a change to the existing approval.

GEN5. Prior to sealing the Plan of Survey, the applicant is required to pay the Council all rates and charges or any expenses being charged over the subject land under any Act in accordance with Schedule 18 Section 69 of the Planning Regulation 2017.

Timing – As indicated.

GEN6. Prior to the sealing of the Plan of Survey the applicant is to provide a certificate signed by a licensed surveyor stating that after the completion of all works associated with the

reconfiguration, survey marks were reinstated where necessary and all survey marks are in their correct position in accordance with the Plan of Survey.

Timing – As indicated.

DEVELOPMENT PERIOD - RAL

RAL1. The currency period for this development approval for reconfiguring a lot is four (4) years after the development approval takes effect. The development approval will lapse unless the survey plan for all works and stages required to be given to Council for approval is provided within this period.

ENVIRONMENT

RAL2. The development must be carried out in accordance with the Approved Range Environmental Bushfire Hazard Advice Letter as referenced at GEN1 of this conditions package and noting the following:

- Individual building reports to be compiled at time of future building and construction of a dwelling in accordance with section 4 of report J002077 (referred to in the conditions);
- Future dwelling requirements are to be in accordance with section 5 of report J002077;
- All lots are to be provided with dedicated firefighting water storage with a volume of water not less than 25,000 litres for each building, as specified in Section 5 of report J002077; and
- All future purchasers of the subject lots to be notified of bushfire management requirements at time of sale and/or other method of disposal.

Provide certification to Council from an accredited bushfire professional which certifies that the subdivisional works have been constructed in accordance with the bushfire management conditions of this Development Approval where relevant.

Timing – As indicated.

RAL3. Submit for Council's records, evidence that the development on the site:

- a) Is not subject to a health risk from previous activities and is not on the Contaminated Land Register or Environmental Management Register; or
- b) Any areas that pose a health risk from previous activities, and contaminated soils are remediated to an appropriate standard.

Timing – prior to sealing of the plan of subdivision.

VALUATION FEES

RAL4. Payment of Department of Natural Resources, Mines and Energy valuation fees that will result from the issue of split valuations prior to Council sealing the Plan of Survey. The contribution is currently assessed at \$53.50 per lot however, the actual amount payable will be based on Council's Register of Fees & Charges and the rate applicable at the time of payment.

Timing – As indicated.

VALIDITY OF BUSHFIRE HAZARD ADVICE LETTER

BHAL1. Prior to sealing of the survey plan, provide written evidence from an accredited bushfire professional that the Bushfire Hazard Advice Letter (BHAL) and its recommendations are current and in accordance with the BHAL recommendations.

Timing – As indicated.

ENGINEERING WORKS

- ENG1. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to Council's endorsement of the Survey Plan unless stated otherwise.
- ENG2. Undertake Engineering designs and construction in accordance with the Planning Scheme, Standard Drawings, relevant Australian Standards, 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. Adjoining properties and roadways to the development are to be protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

ON-SITE WASTEWATER DISPOSAL

- ENG8. Future Dwellings must be connected to an on-site wastewater disposal system, in accordance with AS 1547 and the Queensland Plumbing and Waste Water Code.

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

VEHICLE ACCESS

- ENG9. Construct a gravelled driveway and a crossover having a minimum width of 4 metres and vehicle turnout generally in accordance with Council's Standard Drawing No. 00049.

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

TELECOMMUNICATION

- ENG10. Provide telecommunications to all lots within the development.

ELECTRICITY

ENG11. Provide electricity supply to all lots within the development to comply with Ergon Energy's requirements.

ENG12. Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity.

STREET LIGHTING

~~ENG13. Design and install street lighting to the intersection of Old Esk Road and the new road, and the full length of the new internal road in accordance with AS/NZS1158 and the road classification contained within this approval. Submit to Council, street light design plans showing the proposed public lighting system for Council's endorsement.~~

~~ENG14. Enter into an agreement with an electricity supplier to provide a public lighting system in accordance with the lighting design plans as required by the previous condition. Submit to Council, written confirmation from an electricity provider that an agreement has been made to provide a public lighting system.~~

~~Ensure that any new street light poles required on external streets are of a consistent standard (i.e. steel poles) to street light poles within the immediate vicinity of the development.~~

EARTHWORKS - GENERAL

ENG15. Earthworks per site involving cut or fill greater than 1 metre in height and quantity of material greater than 50m³.

ENG16. Undertake earthworks in accordance with the provisions of AS3798 Guidelines on Earthworks for Commercial and Residential Developments.

EROSION AND SEDIMENT CONTROL - GENERAL

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

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

REFERRAL AGENCIES

Not Applicable.

APPROVED PLANS

The following plans are Approved plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
12137-P3B	A	<i>Plan of Proposed Lots 6-10 CANCELLING LOT 54 ON RP174024 – 322 Crumpton Drive, Blackbutt North, prepared by ONF Surveyors.</i>	28/10/2024

REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
J002077	-	<i>Bushfire Hazard Advice Letter</i> , prepared by Range Environmental Consultants.	15/10/2024

ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

ADVISORY NOTES: HERITAGE

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

FILLING & EXCAVATION

ADV2. It is the developer/owner's responsibility to ensure that any subsequent earthworks required as a consequence of this approval and/or ongoing operations complies with all aspects of Council's planning scheme either directly or indirectly. All erosion and sediment control measures should be to a standard as specified by a suitably qualified professional.

APPEAL RIGHTS

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

ADV4. Construction Noise and Dust Emissions Pursuant to the *Environmental Protection Act 1994*, all development involving the emission of noise and dust from building and/or construction activities, must ensure that the emissions are in accordance with the requirements of the Act.

INFRASTRUCTURE CHARGES

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

ADV6. Council is offering a reduction in infrastructure charges payable through the development incentive scheme which is available between 1 December 2020 and 31

December 2025. Eligible development under this scheme is required to be completed by 31 December 2025.

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

FUTURE DWELLING HOUSES AND BUSHFIRE MANAGEMENT

ADV7. All future Dwellings should be designed and constructed to meet the prevailing standards to ensure suitable Bushfire Attack Levels (BALs). Although the bushfire risk appears to be low in accordance with SBRC overlay mapping, bushfire risk to built assets should be effectively managed/addressed at design and construction phase of future dwellings through the following:

- National Construction Code; and
- Australian Standard Construction of Buildings in Bushfire Prone Areas (AS3050-2018); and Ongoing vegetation management.

ADV8. The Bushfire Hazard Advice Letter will be noted on Council's Rates Search System and will hence be discoverable information.

PROPERTY NOTES

The following property notes will be placed against the subject property in Council's property record system:

PROPERTY NOTE

DEVELOPMENT APPROVAL - BUSHFIRE

PN1. Proposed Lots 1, 2, 3, 4 & 5 (original parcel Lot 54 on RP174024) are subject to an approved bushfire hazard advice letter. The development must be carried out in accordance with the Approved Range Environmental Bushfire Hazard Advice Letter as referenced at GEN1 of this conditions package.

Document Title	Prepared By	Ref. No.	Rev	Date
Bushfire Hazard Advice Letter	Range Environmental Consultants	J002077	-	15/10/2024

VARIATION APPROVAL

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable.

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.southburnett.qld.gov.au, or at Council Offices.

Yours faithfully



David Hursthouse

ACTING MANAGER PLANNING & DEVELOPMENT

Enc: Adopted Infrastructure Charge Notice
 Approved Plans/Documents
 Appeal Rights

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 5 Lots) -- Code Assessable	
DATE:	18/11/2024	
FILE REFERENCE:	RAL24/0017	
AMOUNT OF THE LEVIED CHARGE: (Details of how these charges were calculated are shown overleaf)	\$17,676.00	Total
	\$0.00	Water Supply Network
	\$0.00	Sewerage Network
	\$9,640.00	Transport Network
	\$8,036.00	Parks and Land for Community Facilities Network
	\$0.00	Stormwater Network
AUTOMATIC INCREASE OF LEVIED CHARGE:	The amount of the levied charge is subject to an automatic increase. Refer to the Information Notice attached to this notice for more information on how the increase is worked out.	
LAND TO WHICH CHARGE APPLIES:	Lot 54 on RP174024	
SITE ADDRESS:	322 Crumpton Dr, Blackbutt	
PAYABLE TO:	South Burnett Regional Council	
WHEN PAYABLE: (In accordance with the timing stated in Section 122 of the Planning Act 2016)	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	5	Allotment	\$2,410.00	CR Table 2.3	\$12,050.00

Discounts*

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

Parks and Land for Community Facilities

Adopted Charges

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

Discounts*

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

Stormwater

Adopted Charges

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

Discounts*

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

Levied Charges

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

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

INFORMATION NOTICE

Authority and Reasons for Charge	This Infrastructure Charges Notice has been given in accordance with section 119 of the <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@sbrc.qld.gov.au</p>

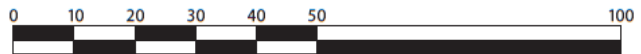
¹ 3-yearly PPI average is defined in section 114 of the *Planning Act 2016* and means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters. PPI Index is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge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

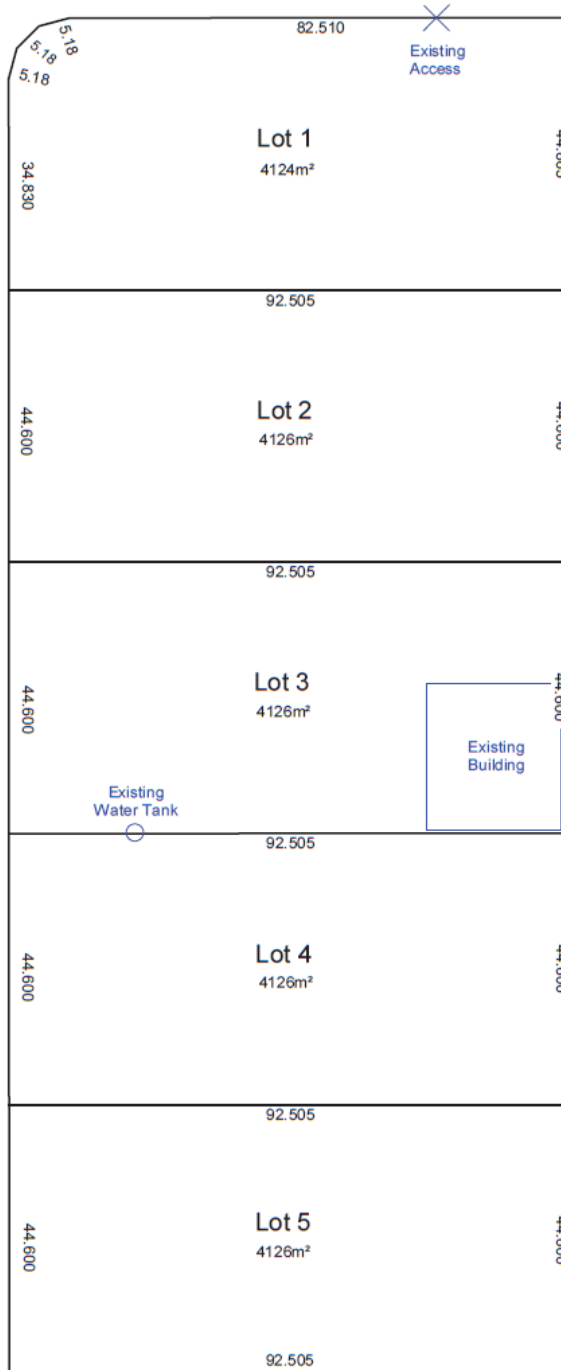
Enquiries

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



CRUMPTON DRIVE

ANITA ROAD



Lot 53
RP174024

Lot 2
SP334443

Horizontal Co-Ord System Local		Contour Interval	Level Datum
Horizontal Co-Ord Origin		Level Origin	Value
Easting	Northing	Surveyed	Date
Azimuth 6P534443	Field Book	Drawn MWF	Date 1/3/2024



Client BLACKBUTT CENTRAL PTY LTD		Project PLAN OF PROPOSED LOTS 1 - 5 Cancelling Lot 54 on RP174024 -322 Crumpton Drive, Blackbutt North-			
Computer File K:\Blackbutt\pjb.mg	Scale (A3) 1:750	Job No. 12137	Locality Blackbutt North	Drawing Number 12137-P1	Sheet 1 of 1

Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* states –
 - (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the *Planning Act 2016*)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
 - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.

- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The **service period** is –
 - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
decision includes-
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.
non-appealable, for a decision or matter, means the decision or matter-
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

(1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal. However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

**The Assessment Manager
South Burnett Regional Council
PO Box 896
Kingaroy 4610**

**Our Reference: J002077
Date: 15 October 2022**

BUSHFIRE HAZARD ADVICE LETTER FOR 322 & 328 CRUMPTON DRIVE, BLACKBUTT NORTH

To whom it may concern,

Range Environmental has been engaged by Blackbutt Central Pty Ltd to provide bushfire hazard advice to support assessment by South Burnett Regional Council (SBRC) of a proposed one (1) into five (5) and one (1) into four (4) rural residential subdivision at 322 & 328 Crumpton Drive, Blackbutt North ('the site'). The site is formally described as Lot 53 & 54 RP174024.

Range Environmental understands that SBRC are currently assessing the subdivision development application and have requested further supporting information relating to the presence of mapped bushfire hazard constraints in proximity to the site.

This assessment primarily relates to assessment of hazard associated with the proposed development.

Review of State Planning Policy (SPP) Natural Hazard, Risk and Resilience (Bushfire) mapping in proximity to the site shows fringing areas of mapped Very High Potential Bushfire Intensity to the north, east, south and west of the site. The site is identified as Potential Impact Buffer (i.e. within 100m of identified Medium, High or Very High Potential Bushfire Intensity). Figure 1 shows the bushfire hazard as mapped by the SPP. The SBRC Planning Scheme utilises the SPP mapping.

Range Environmental has been engaged to undertake review of this mapping based on analysis of available aerial imagery, site visit and images, and application of the SPP technical supporting document – Bushfire Resilient Communities.

Figure 1

SPP Bushfire Hazard Map

Project: 322 Crumpton Drive

Client: Blackbutt Central Pty Ltd

Project No.: J002077

Compiled by: Gabilevay Date: 10/10/2024

Approved by: Will Gibson Date: 10/10/2024

0 30 60

Metres

Legend

Cadastral

Roads

Site boundary

150m buffer

Very High Potential

Potential Bushfire Intensity

High Potential Bushfire Intensity

Medium Potential Bushfire Intensity

Potential Impact Buffer

The content of this document includes third party data. Range Environmental Consultants does not guarantee the accuracy of such data.

Source: Cadastral data sourced from DNRME (2024). Aerial imagery sourced from QLD Globe (2024).

N

Document Set ID: 3227457
Version: 1, Version Date: 15/10/2024

1 Vegetation Communities and Vegetation Hazard Classes

1.1 Desktop Review

Current Regulated Vegetation Mapping identifies that the site contains areas of Category X (non-remnant) vegetation. A copy of the site Vegetation Management Report (DOR) is provided as Attachment 1.

Areas of Category B (remnant) vegetation within lands to the south, east and northeast of the site are identified as Regional Ecosystem (RE) 12.12.2. RE 12.12.2 is described under the Queensland regional ecosystem descriptions as *Eucalyptus pilularis* tall open forest on Mesozoic to Proterozoic igneous rocks especially granite.

1.2 Site Vegetation Hazard Class Review

Range Environmental has conducted a site assessment and obtained site images to facilitate a review of vegetation hazard classes within 150m of the site, which are the basis for determining the bushfire hazard class for the area. The following photos provide an overview of the site and surrounds at the time of the site assessment and letter preparation.



Photograph 1 View of VHC 39.2 to the south of the site



Photograph 2 View of VHC 40.4 to the immediate east of the site (foreground) with VHC 8.1 further to the east (background)



Photograph 3 View to the southwest of VHC 38.5 west of Anita Road



Photograph 4 View to the northwest of VHC 8.1 west of Anita Road



Photograph 5 View of VHC 39.2 to the north of Crumpton Drive



Photograph 6 View of area mapped as VHC 8.1 to the north of Crumpton Drive



Photograph 7 View to the southwest across the site following vegetation management works (VHC 40.4)

Based on the site visit, review of site images and aerial imagery Range Environmental has prepared a refined vegetation hazard class map for the site and surrounding areas which considers site conditions and the actual occurrence of vegetation values. Table 1 provides a summary of the VHCs and potential fuel loads. Figure 1 provides an overview of assessed ground truthed VHC occurrence.

Table 1 Vegetation Hazard Class Summary

Vegetation Hazard Class (VHC)	Surface and near surface Fuel Load (t/ha)	Total Fuel Load (t/ha)	Prone type ¹	Fuel continuity ²
8.1 Wet eucalypt tall open forest	31	35	1	1
38.5 Discontinuous irrigated cropping and horticulture	1.5	2	3	2
39.2 Low to moderate tree cover in built up areas	5	8	3	2
40.4 Continuous low grass or tree cover	4.5	5	2	1
42.6 Nil to very low vegetation cover	2	2	3	2

Fuel load data sources from Bushfire Resilient Communities Technical Reference Guide October 2019

The identification of VHCs determines the extent to which the vegetation contributes to prevailing bushfire hazard. All VHCs are identified as being one of three prone types¹, with prone types being a categorical indicator of the capacity of a VHC to support a significant bushfire. VHCs are also given a binary indicator of fuel continuity². Continuous fuel vegetation generally has a consistent distribution of fuel. Discontinuous fuel types include non-hazardous vegetation or land uses.

VHC 38.5, 39.2, 40.4, and 42.6 are considered non-bushfire prone VHCs under Bushfire Resilient Communities (2019) and BAL calculations using the SPP APZ calculator involving these VHCs results in a radiant heat flux of 0kW/m² (BAL-Low). VHC 40.4, while listed as a grass fire prone VHC with a continuous fuel load under Bushfire Resilient Communities (2019), is considered a non-hazardous VHC due to low fuels loads of 5t/ha or less and calculations using the SPP APZ calculator involving this VHC results in a radiant heat flux of 0kW/m² (BAL-Low).

¹ Prone type: 1= Bushfire prone, 2 = Grass fire prone, 3 = Low hazard

² Fuel continuity: 1= Continuous, 2 = Discontinuous

2 Potential Bushfire Hazard Classes

A 'fit for purpose' approach was undertaken to identify the bushfire risk present using the statewide mapping methodology in conjunction with local-scale vegetation and slope maps. The location of assessed VHCs on the site and in the surrounding landscape in conjunction with the underlying slope of land was utilised to develop Potential Bushfire Hazard Classes. The Potential Fireline Intensity calculator was used to calculate the Potential Fireline Intensity (kW/m) to which a Potential Bushfire Hazard Class was attributed. The maximum slope in any direction was used for each area of identified ground-truthed VHC as outlined in Figure 2. Table 2 provides the various site attributes used to calculate the Potential Bushfire Hazard Class at representative locations around the site. Table 3 provides the correlation between Potential Fireline Intensity and Potential Bushfire Hazard Class.

Table 2 Attributes used to calculate the Potential Bushfire Hazard Class

Vegetation Hazard Class (VHC)	Potential Fuel Load (t/ha)	Potential Fire Weather Severity (FFDI)	Slope under hazardous vegetation (deg)	Potential Fireline Intensity (kW/m)	Potential Bushfire Hazard Class
8.1 Wet eucalypt tall open forest	35	60	3 - 5	56050 - 64344	Very high
38.5 Discontinuous irrigated cropping and horticulture	2	60	0	149	Low
39.2 Low to moderate tree cover in built up areas	8	60	3	2381	Low
40.4 Continuous low grass or tree cover	5	60	3	930	Low
42.6 Nil to very low vegetation cover	2	60	3	149	Low

Table 3 Potential Bushfire Hazard Classes

Potential Bushfire Intensity Class	Potential Fire-line Intensity
1. Very high (potential intensity)	40,000+kW/m
2. High (potential intensity)	20,000 – 40,000kW/m
3. Medium (potential intensity)	4,000 – 20,000kW/m
4. Low hazard (potential impact buffer)	<4,000kW/m

Figure 3 identifies the Potential Bushfire Hazard for the site and immediate surrounding areas (within a radius of 150 metres of the site). Areas assessed as Low hazard within a 100 metre radius of vegetation mapped as comprising Medium Potential Intensity or higher were classified as 'Potential Impact Buffer'.

The location of vegetation in relation to the site is a key attribute to be considered when mapping bushfire hazards. In this situation, most of the potentially hazardous vegetation is located level with and downslope of the site.

Figure 3

Potential Bushfire Hazard Map

Project: 322 Crumpton Drive

Client: Blackbutt Central Pty Ltd

Project No.: J002077

Compiled by: GabiLevy Date: 11/10/2024

Approved by: Will Gibson Date: 11/10/2024

0 30 60

Metres

Legend

Cadastral

Roads

Site boundary

150m buffer

Potential impact buffer

Very high

The content of this document includes third party data. Range Environmental Consultants does not guarantee the accuracy of such data.

Source: Cadastral data sourced from DNRME (2024). Aerial imagery sourced from QLD Globe (2024).

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3 Bushfire Attack Level Assessment

Subsequent to determination of the assessed vegetation hazard classes in proximity to the site, and assessed bushfire hazard classes, Range Environmental has undertaken a radiant heat flux assessment to identify the likely setbacks to achieve corresponding Bushfire Attack Level (BAL) ratings (Table 4 and Table 5). The edge of classified (hazardous) vegetation under AS3959:2018 has been assessed to be areas identified as comprising VHC 8.1 as shown in Figure 2.

Table 4 Assessed BAL rating setback requirements (downslope of the site)

Radiant heat level exposure	Setback to achieve corresponding radiant heat exposure	BAL equivalent
Greater than 40kW/m ²	0-25m	BAL-FZ
Between 29 and 40kW/m ²	25-33m	BAL-40
Between 19 and 29kW/m ²	33-45m	BAL-29
Between 12.5 and 19kW/m ²	45-59m	BAL-19
Less than 12.5kW/m ²	59-100m	BAL-12.5
N/A	Greater than 100m	BAL-LOW

Table 5 Assessed BAL rating setback requirements (level with the site)

Radiant heat level exposure	Setback to achieve corresponding radiant heat exposure	BAL equivalent
Greater than 40kW/m ²	0-22m	BAL-FZ
Between 29 and 40kW/m ²	22-29m	BAL-40
Between 19 and 29kW/m ²	29-40m	BAL-29
Between 12.5 and 19kW/m ²	40-53m	BAL-19
Less than 12.5kW/m ²	53-100m	BAL-12.5
N/A	Greater than 100m	BAL-LOW

Both Lots 53 & 54 RP174024 have widths of approximately 92m and the provision of setbacks of greater than 33m downslope and 29m level & upslope (what is required to facilitate construction to a maximum BAL-29) can readily be achieved, noting that a BAL-12.5 and BAL-Low may also be readily achieved across portions of the site.

Figure 4 shows a BAL assessment at the time of letter preparation.

Copies of the SPP Bushfire Asset Protection zone width calculator outputs are provided as Attachment 2.

3.1 Queensland Development Code Construction Requirements

The site is wholly identified in a bushfire prone area under the SBRC Planning Scheme (Potential Impact Buffer). Under the *Building Regulation 2021*, Part 3, 7, (1), this mapping is taken to be a designation of the site as a bushfire prone area.

Under the *Building Regulation 2021*, Part 3, 7, (2), the provisions of the BCA or QDC that apply to construction in bushfire prone area apply to any building assessment works in that area (a designated bushfire prone area).

Due to the provisions of the above, it will be necessary for any future building works for a dwelling to comply with the construction in bushfire prone area requirements under the BCA. Noting that sufficient area is readily available for construction to a range of BAL standards (including BAL-12.5), no further consideration of this matter is required at the subdivision stage.

Figure 4

Assessed BAL

Contour Map

Project: 322 Crumpton Drive

Client: Blackbutt Central Pty Ltd

Project No.: J002077

Compiled by: Gabi Levy Date: 11/10/2024

Approved by: Will Gibson Date: 11/10/2024

0

30

60

Metres

Legend

Cadastral

Roads

Site boundary

150m buffer

BAL-12.5

BAL-19

BAL-29

BAL-40

Flame Zone

The content of this document includes third party data. Range Environmental Consultants does not guarantee the accuracy of such data.

Sources: Cadastral data sourced from DNRME (2024). Aerial imagery sourced from QLD Globe (2024).

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This figure is an aerial photograph overlaid with various planning and fire safety information. A red line delineates the site boundary. Concentric green lines represent a 150m buffer around the site. Colored zones indicate different levels of Bushfire Attack Likelihood (BAL): BAL-12.5 (light green), BAL-19 (yellow), BAL-29 (orange), and BAL-40 (red). A hatched area represents the Flame Zone. The map includes labels for 'Crumpton Drive' and 'Anita Road'. A scale bar at the bottom left indicates distances of 0, 30, and 60 metres. A north arrow is located at the bottom right.

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4 Bushfire Hazard Assessment and Council Code Response

The site is identified by the Natural Hazards and Risk Resilience Mapping in the Queensland Government State Planning Policy (SPP) Interactive Mapping System as containing areas of High Potential Bushfire Intensity and Potential Impact Buffer (Figure 1). The South Burnett Regional Council (SBRC) Planning Scheme utilises the SPP mapping. The site occurs on gently sloping lands falling from the west to the east with underlying slopes in the order of 6% or 3 degrees. Under adverse conditions, a bushfire could potentially approach from any direction, however the intensity of bushfires approaching the site is moderated in part by the presence of formed roadways (Crompton Drive and Anita Road) and maintained residential gardens and orchards.

The bushfire hazard that buildings could potentially be exposed to was calculated using the QFES SPP Asset Protection Zone (APZ) Calculator and fuel loads consistent with the assessed VHCs as set out in SPP technical reference guide 'Bushfire Resilient Communities' (2019).

An individual building report should be completed at the time of building and construction of a dwelling to determine the BAL that a dwelling will be exposed to, as this will be dependent on final dwelling location and the extent of vegetation maintenance on the site and surrounds (i.e. if this changes between the time of preparation of this advice letter and planning of a structure).

A response to the SBRC's Bushfire Hazard Overlay Code PO15 – PO17 (Rural Residential Zone Code) is provided in Table 6.

Table 6 SBRC Rural Residential Zone Bushfire Hazard Overlay Code – Accepted development subject to requirements and assessable development

Performance outcomes	Acceptable Outcomes	Proposed solutions
PO15 Development is not placed at unacceptable risk from bushfire, does not increase the extent or severity of bushfire and maintains the safety of people and property from bushfire.	<p>AO15.1 Development does not occur in areas mapped as Very High or High Potential Bushfire Intensity Areas on the SPP Interactive Mapping (Plan Making).</p> <p>or</p> <p>AO15.2 A written assessment by a suitably experienced or qualified person confirms that the site is of Low Bushfire Hazard.</p> <p>or</p> <p>AO15.3 For areas mapped as Medium Potential Bushfire Intensity Areas on the SPP Interactive Mapping (Plan Making), bushfire risk is mitigated through a Bushfire Management Plan incorporating:</p> <ul style="list-style-type: none"> a. Lot design and the siting of buildings and uses so: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> i. setbacks between buildings/ structures and hazardous vegetation; and ii. access for fire fighting or other emergency vehicles; and 	<p>PS15.1 Development occurs in an area mapped as Potential Impact Buffer by the SPP interactive mapping.</p> <p>PS15.2</p> <p>A basic Bushfire Hazard Assessment was prepared that identifies a range of Bushfire Attack Levels (BAL) for the site. Sufficient lands are readily available for construction of a future dwelling to a BAL-Low to BAL-29 standard, dependant on separation distances achieved from potentially hazardous vegetation.</p> <p>The site has been confirmed to not contain high hazard areas and is suitable for subdivision without endangering life, property or the environment.</p> <p>It is recommended that a minimum 25,000L water tank or reservoir for the purpose of fire fighting be installed at the time of construction of a dwelling.</p>

	<p>c. Road access for fire-fighting appliances and firebreaks are provided through a perimeter road that separates the use from areas of bushfire hazard and that road has a minimum cleared width of 20 metres; 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> <ol style="list-style-type: none"> fire brigade tank fittings; and 25,000 litres dedicated for fire fighting purposes. 	
PO16 Community infrastructure in any area mapped as Very High to Medium (Potential Intensity) Areas are able to function effectively during and immediately after bushfire events.	No outcome specified.	NA
PO17 Major risks to the safety of 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>AO17.1 New dwellings on land mapped as Very High to Medium (Potential Intensity) Areas are located:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> is free of highly combustible vegetated areas; and is on southerly to easterly facing slopes not exceeding 15% gradient; or on flat lands at the base of north to western facing slopes not exceeding 15% gradient. A fire protection buffer is established around the complete perimeter of the dwelling unit within a lot for a minimum width of 50m. 	<p>PS17.1</p> <p>The development site was mapped by the Queensland Government as being subject to a Potential Impact Buffer. The site assessment identified that a bushfire hazard rating of Low (Potential Impact Buffer) was present.</p> <p>Suitable areas are available on the site that enable future buildings to be located in areas of least hazard. Adequate separation from areas of hazardous vegetation can be achieved that minimise potential exposure to bushfire hazards. At the time of future dwelling siting and construction a building specific bushfire report is to be prepared which confirms the final BAL rating for a structure, dependent on the final location and extent of ongoing vegetation management.</p>

5 Conclusion and Recommendations

A basic site-specific bushfire assessment has been undertaken in accordance with Bushfire Resilient Communities (QFES 2019) and AS3959-2018. Based on this assessment a revised vegetation hazard class map has been developed to inform bushfire hazard assessment at the site.

The bushfire assessment of the site identified that in general hazards are in the low category (Potential Impact Buffer – within 100m of identified Medium, High or Very High Potential Bushfire Intensity areas).

The bushfire risk to built assets can be effectively managed at the design and construction phase through the application of the National Construction Code and the Australian Standard Construction of buildings in bushfire-prone areas (AS3959-2018) and ongoing vegetation management. At the time of future dwelling siting and construction a building specific bushfire report is to be prepared which confirms the final BAL rating for a structure, dependent on the final location and extent of ongoing vegetation management.

The proposed development is recommended to be supported in relation to bushfire hazard assessment matters. No bushfire specific conditions are recommended to be imposed for actioning prior to plan sealing. Conditions recommended to be imposed relate to requirements for future dwellings and include:

BUSHFIRE MANAGEMENT - FUTURE DWELLING REQUIREMENTS

xx. All future dwellings in bushfire prone areas must be provided with a water storage reservoir having a minimum 25,000 litres of water for emergency firefighting purposes. Such storage must be provided in addition to the water supply capacity required for domestic use and must be provided in the form of either a dam, swimming pool, or rainwater tank located within 40m of the dwelling, or with pumped supply to within 40m of the dwelling.

xx. Where water storage is provided by way of rainwater tank, separate water storage for firefighting purposes must be provided either in a separate rainwater tank or a reserve section in the main water supply tank on which:

xx.x the domestic take off from the tank is at or above the 25,000 litre point; and

xx.x standard rural fire brigade fittings (a 50mm male camlock coupling and ball valve) are fitted to the tank outlet for access by four wheel drive rural services vehicles.

xx. The water storage reservoir must be provided with a water delivery mechanism that will function during an emergency event (such as an electric pump with auxiliary power supply or a petrol driven firefighting pump) and hose of sufficient length to easily reach around to all sides of the dwelling.

xx. A hard stand or cleared area within 6m of the water storage reservoir must be provided to ensure accessibility for fire fighting vehicles.

The above conditions are modelled off exemplar conditions utilised in Toowoomba Regional Council (TRC). No further conditions are considered necessary to be imposed in relation to bushfire matters, with the provisions of the *Building Regulation 2021* requiring construction to a BAL level commensurate to the level of separation from identified hazardous areas.

Please do not hesitate to contact me at gabi.levay@rangeenviro.com.au or on 0477 903 457 if you have any queries regarding this advice.

Yours sincerely,



Gabi Levay
Ecologist
Range Environmental Consultants