

**DEVELOPMENT APPLICATION FOR**  
**RECONFIGURING A LOT (1 LOT INTO 3 LOTS)**

on behalf of  
**DAVID & LOUISE HILL-WARNER**

at  
**39 ROBERTSON ROAD, BROUGHTON**

on land described as  
**LOT 1 ON RP884741**



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Figure 1: Aerial Image of the Site (Lot 1 on RP884741) – image source Queensland Globe

## 1.0 INTRODUCTION

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The Applicant, David and Louise Hill-Warner is seeking approval from Charters Towers Regional Council for Reconfiguring a Lot (1 lot into 3 lots) over land located at 39 Roberston Road, Broughton, and properly described as Lot 1 on RP884741.

This Development Application is made in accordance with section 51 of the *Planning Act 2016* and contains the mandatory supporting information specified in the applicable DA Form 1, included at *Appendix A*.

Under the Charters Towers Regional Town Plan Version 2, the proposed Reconfiguration of a Lot (1 lot into 3 lots) is subject to Impact Assessment. Accordingly, formal public notification of the application will be required.

This report provides a review of the subject land, a detailed description of the proposed development, a review of the legislative provisions and an assessment of the proposed development against the relevant provisions of the Charters Towers Regional Town Plan Version 2.



## 2.0 THE SITE

### 2.1 SITE DETAILS

Details of the subject land are provided below:

Site Location	39 Robertson Road, Broughton
Lot Description	Lot 1 on RP884741
Site Area	16.15 hectares
Registered Landowner	David Hill-Warner and Louise Hill-Warner
Easements / Encumbrances	Nil

The Title Search confirming ownership of the subject land by Louise Hill-Warner and David Hill-Warner is included in *Appendix B*. The Title Search also identifies that there are no encumbrances over the land. A copy of the Survey Plan is also included in *Appendix B*.

As identified in Figure 1, the subject allotment is a reasonably regular shaped allotment, that has frontage of Robertson Road, Alexandra Road and Ashglen Road.



Figure 1: Aerial Image of the subject land (Lot 1 on RP884741) identified in blue – image source Queensland Globe



The allotment contains an existing dwelling house and associated structures, which are centrally located within the property. Vehicular access to the allotment is gained via Roberston Road. The land is sparsely vegetated and contains a number of existing dams.

## 2.2 SURROUNDING LOCALITY

The subject land is located with Broughton, which generally comprises rural residential allotments of varying areas and configurations. Allotments within the area generally contain single detached dwellings and associated rural residential activities.

### 3.0 PROPOSED DEVELOPMENT

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The Development Application seeks approval for a Development Permit for Reconfiguring a Lot (1 lot into 3 lots) over the subject land. The plan of proposed reconfiguration is shown on the MD Land Surveys Plan No. ROL Plan\_Rev A, dated 23<sup>rd</sup> October 2023, included at *Appendix C*.

The particulars of the proposed development are provided in the table below:

LOT	AREA	FRONTAGE	IMPROVEMENTS
Lot 1	3.94 hectares	134.4 metres to Robertson Road 283.91 metres to Alexandra Road	Vacant Land
Lot 2	8.38 hectares	271.4 metres to Robertson Road	Dwelling House and associated structures
Lot 3	3.887 hectares	120.81 metres to Robertson Road 321.75 metres to Ashglen Road	Vacant Land

It is noted that the proposed allotment configurations have been determined based on the location of the existing dams located on the subject land, to ensure that the dams are wholly located within an allotment.

Each of the proposed vacant allotments are of sufficient area and dimensions to appropriately contain a dwelling house and associated rural residential structures and activities.

## 4.0 LEGISLATIVE REQUIREMENTS

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This section provides an overview of the legislative provisions relevant to the application.

### 4.1 PLANNING ACT 2016

The *Planning Act 2016* is the principal law regulating planning and development. The *Planning Act 2016* provides a framework for local and state governments to prepare planning instruments and provides a process by which development applications are assessed.

#### 4.1.1 ASSESSABLE DEVELOPMENT

The proposed development constitutes assessable development under the Charters Towers Regional Town Plan Version 2. Accordingly, pursuant to Section 44(3) of the *Planning Act 2016* a development approval is required.

#### 4.1.2 ASSESSMENT MANAGER

The Assessment Manager for this Development Application is Charters Towers Regional Council as determined by Schedule 8 of the *Planning Regulation 2017*.

#### 4.1.3 LEVEL OF ASSESSMENT

Under the Charters Towers Regional Town Plan Version 2, the land subject to this application is identified as being within the Rural Residential Zone and RR1 – Environs Precinct. Table 5.5.1 – Categories of development and assessment – Reconfiguring a Lot, confirms that the proposed development is subject to Impact Assessment.

#### 4.1.4 PUBLIC NOTIFICATION

As the Development Application is Impact Assessable, the application is required to be publicly notified. Public notification will be undertaken in accordance with 4 of the Development Assessment Rules.

#### 4.1.5 REFERRAL AGENCIES

Schedule 10 of the *Planning Regulation 2017* outlines the triggers for the referral of the development application to other agencies.

A review of Development Assessment Mapping System (DAMS) and Schedule 10 of the *Planning Regulation 2017* confirms that there are no referral agencies triggered for this Development Application.

#### 4.1.6 STATE PLANNING POLICY

The Charters Towers Regional Town Plan was adopted in February 2020. In accordance with section 2.1 – State Planning Policy (SPP) of the planning scheme, the Minister has identified that all aspects of the SPP prior to 3 July 2017, have been appropriately integrated into the planning scheme.



#### 4.1.7 NORTH QUEENSLAND REGIONAL PLAN

The North Queensland Regional Plan (NQRP) was implemented in March 2020, with the intent of capitalising on the growth, prosperity and diversity of the region by supporting a vibrant economy, generating jobs, improving business investment, protecting our natural environment, and encouraging tourism and lifestyle opportunities over the next 25 years.

The vision of the Regional Plan will be realised through a series of goals and the proposed development is considered to align with the four regional goals. It is considered that the proposed development aligns with the goals of the NQRP.

## 5.0 PLANNING SCHEME REQUIREMENTS

### 5.1 CHARTERS TOWERS REGIONAL TOWN PLAN V2

Charters Towers Regional Town Plan Version 2 is the applicable Local Categorising Instrument for this development application. Charters Towers Regional Town Plan Version 2 sets out Council's intention for the future development in the planning scheme area. The planning scheme commenced on 10<sup>th</sup> February 2020.

The following sections of this report provide an assessment of the proposed development against the relevant provisions of the Charters Towers Regional Town Plan Version 2.

#### 5.1.1 PLANNING SCHEME DESIGNATIONS

In accordance with the Charters Towers Regional Town Plan Version 2 the site is subject to the designations listed in the table below.

Zone	
Rural Residential Zone and RR1 – Environs Precinct	
Overlays	
<i>Bushfire Hazard Overlay</i>	Partly within Potential Impact Buffer area
<i>Flood Hazard Overlay</i>	Minor areas identified as being Significant Hazard Area – QRA Level 2 with 1% AEP
<i>Heritage Overlay</i>	Not Applicable
<i>Natural Environment Overlay</i>	Partly identified as containing Regulated Vegetation (Category R)
<i>Regional Infrastructure Overlay</i>	Not Applicable
<i>Residential Character Overlay</i>	Not Applicable

#### 5.1.2 LEVEL OF ASSESSMENT, ASSESSABLE BENCHMARKS & APPLICABLE CODES

The subject site is designated as being within the Rural Residential Zone and RR1 – Environs Precinct. Table 5.5.1 – Categories of development and assessment – Reconfiguring a Lot, confirms that the proposed development is subject to Impact Assessment. Table 5.5.1 – Categories of development and assessment – Reconfiguring a Lot also confirms that the application is to be assessed against the whole of the Town Plan.

Given the nature of the development, it is considered appropriate to assess the proposed development against the following planning scheme codes:

- Strategic Framework
- Rural Residential Zone Code
- Flood Hazard Overlay Code
- Natural Environment Overlay Code
- Development Works Code
- Reconfiguring a Lot Code

A complete assessment of the proposal against the relevant provisions of the applicable Codes is provided below and at *Appendix D*.

### 5.1.3 STRATEGIC FRAMEWORK

The Strategic Framework of the Charters Towers Regional Town Plan Version 2 sets out the policy direction for the Charters Towers Regional Council area and forms the basis of ensuring appropriate development occurs within the area.

The framework provides the strategic intent, representing the vision for the region, as well as a series of themes that represent the policy intent of the scheme, which include:

- *a New World for economic development and tourism;*
- *a New World for living, growing and aging in our communities;*
- *a New World of sustainable infrastructure and services for our communities;*
- *a New World protecting our heritage and natural resources; and*
- *a New World which is resilient to natural and other hazards;*

As the proposed development is subject to Impact Assessment, pursuant to the provisions of the *Planning Regulation 2017*, Council must also have regard to the Strategic Framework, when deciding an Impact Assessable Development Application.

Therefore, the following provides an assessment against the elements of the Strategic Framework that are applicable and relevant to the subject site and proposed development.

STRATEGIC FRAMEWORK	
STRATEGIC INTENT	
Strategic Outcome	Assessment
3.2.1 (12) <i>The Charters Towers urban area and its surrounding townships and localities are renown for a relaxed county lifestyle and rural character, ideal for the lifestyle needs of families and retirees. There is a range of community, recreation and entertainment facilities that promote community wellbeing. This is symbolised through events such as the Goldfield Ashes which is the largest amateur cricket carnival in the southern hemisphere.</i>	The proposed development creates three large rural residential allotments, that are of adequate and appropriate size and dimensions to allow for a dwelling house and associated rural residential activities, which is consistent with the relaxed country lifestyle and rural character of the surrounding locality and of Charters Towers.
<b>3.2.2 The New World in 2038</b>	
3.2.2 (2) <i>The New World of the Charters Towers region has the following building blocks:</i> <i>(a) a strong sense of place epitomised by an authentic country atmosphere and rewarding lifestyle;</i> ...	The proposed development creates three large rural residential allotments, which are consistent with the established rural lifestyle and character of the surrounding area.
<b>3.2.3 Places in the New World of the Charters Towers Region</b>	
<b>Rural Residential</b> <i>Rural residential places provide for residential development on large lifestyle lots in a rural setting. The keeping of small numbers of working and companion animals and hobby farming is expected in these areas along with</i>	The proposed development creates three large rural residential allotments, that are of adequate and appropriate size and dimensions to allow for a dwelling house and associated rural residential activities. The proposed allotments are located within the Environs precinct of the Rural Residential Zone and are considered to be



<p><i>some small-scale tourism uses in Hervey Range.</i></p> <p><i>Location - Rural residential zoned land in the Charters Towers fringe and environs areas and also Hervey Range.</i></p>	<p>consistent with the established character and pattern of development for the locality.</p>
<b>3.4 A NEW WORLD FOR LIVING, GROWING AND AGING IN OUR COMMUNITIES</b>	
<b>3.4.1.2 Providing housing choice and diversity across the lifecycle</b>	
<b>Strategic Outcome</b>	<b>Assessment</b>
<p>3.4.1.2 (2)</p> <p><i>In addition to this, there are also housing options in the Rural residential zone surrounding the Charters Towers urban area.</i></p>	<p>Broughton is a rural residential locality on the outskirts of the Charters Towers urban area. The proposed development provides for housing options by creating three (3) large allotments suitable for a dwelling house and associated rural residential activities.</p>
<p>3.4.1.2.(8)</p> <p><i>Rural residential housing is limited to the Rural residential zone on lot sizes that can accommodate onsite treatment of effluent and provide transition to rural areas from urban areas. The extent of the Rural residential zone surrounding the Charters Towers urban area is a reflection of historical subdivision patterns that resulted in a mix of highly fragmented land and the absence of genuine rural activities in these areas. This consists of an inner ring of Rural residential parcels which have some level of water servicing and an outer ring known as the Environs precinct that accommodates larger Rural residential parcels with very limited servicing</i></p>	<p>The proposed development creates three large rural residential allotments, that are of adequate and appropriate size and dimensions to allow for a dwelling house and associated rural residential activities, including the provision of on-site waste water treatment and water supply.</p> <p>A review of the surrounding area, being land within the Rural Residential Zone, Environs Precinct has confirmed that there are multiple allotments in the area that are of similar areas to the areas being proposed for this subdivision. It is acknowledged that pattern of development in the area is as a result of historical subdivisions, however, it is considered that this sets the established character and pattern of development for the locality, which the proposed development is consistent with.</p>
<p>3.4.1.2.(9)</p> <p><i>No further Rural residential development is supported outside of land in the Rural residential zone surrounding the Charters Towers urban area and in Hervey Range.</i></p>	<p>The proposed development provides for rural residential development, within the Rural Residential Zone.</p>
<b>3.7 A NEW WORLD WHICH IS RESILIENT TO NATURAL AND OTHER HAZARDS</b>	
<b>3.7.1.1 All Hazards</b>	
<b>Strategic Outcome</b>	<b>Assessment</b>
<p>3.7.1.1 (2)</p> <p><i>Development does not materially increase the extent or severity of natural or other hazards or their impacts on people, property and the environment.</i></p>	<p>The extent of the flood hazard to the subject site is isolated and minimal, providing limited potential impact to the proposed lots. In addition, the extent of bushfire risk is, limited to an area of the land being within the potential impact buffer area.</p> <p>Therefore, it is considered the proposed development does not result in unacceptable risk</p>

	to life, property, community, economic activity and the environment during flood events.
3.7.1.1 (3) <i>Exposure of people and property to hazards is avoided, or where it is not possible to avoid the hazard, the risks are mitigated to an acceptable or tolerable level.</i>	As identified above, the extent of the flood and bushfire hazards to the subject site is isolated and minimal, providing limited potential impact to the proposed lots and future residents.
<b>3.7.1.2 Flood Hazard</b>	
<b>Strategic Outcome</b>	<b>Assessment</b>
3.7.1.2 (1) <i>Development must protect people and property by avoiding flood hazards or, where it is not possible to avoid the hazard, the risks are mitigated to an acceptable or tolerable level.</i>	<p>The subject land is mapped as containing small, isolated areas of Significant Hazard Area – QRA Level 2 with 1% AEP on Flood Hazard Overlay mapping, which appear to be the existing dams that are located on the site.</p> <p>The extent of the flood hazard to the subject site is isolated and minimal, providing limited potential impact to the proposed lots. Therefore, it is considered the proposed development does not result in unacceptable risk to life, property, community, economic activity and the environment during flood events.</p>

#### 5.1.4 ZONE CODE

##### **RURAL RESIDENTIAL ZONE CODE**

##### **Purpose of Code**

*The purpose of the Rural residential zone is to provide for residential uses and activities on large lots, including lots for which the local government has not provided infrastructure and services.*

##### **Response**

The proposed development seeks to subdivide the existing allotment to create three (3) Rural Residential lots. The Reconfiguration of a Lot provides for large allotments, that will allow for residential uses and associated activities, with the provision of on site infrastructure and servicing.

*The purpose of the zone will be achieved through the following overall outcomes:*

- a. development of large rural residential lots with Dwelling houses where there is limited provision of infrastructure;*

##### **Response**

The Reconfiguration of a Lot provides for large rural residential allotments, with one of the proposed allotments containing the existing Dwelling House and associated infrastructure. The other two (2) allotments are large lots and have areas and dimensions sufficient to allow for the establishment of a Dwelling House with on-site infrastructure.

- b. development provides a high level of residential amenity and character appropriate for the Rural residential zone;*

### Response

The dominant character of the surrounding area is single detached houses and associated activities on large allotments. The proposed development creates three (3) rural residential allotments that are generally consistent with the surrounding pattern of development. Each of the proposed allotments are of regular configuration and proportions, suitable for the establishment of a dwelling house, associated activities and on-site infrastructure (it is noted that Lot 2 already contains a dwelling house). The proposed development is consistent with the established character of the locality and provides for a high level of residential amenity.

- c. natural features such as creeks, gullies, waterways, wetlands, vegetation and bushland are retained, enhanced and buffered from the impacts of development. Any unavoidable impacts are minimised through location, design operation and management requirements;*

### Response

The subject land is unconstrained, in terms of slope, ecological values, vegetation or waterways and suitable building envelopes can be established without compromising any site features. The subject land is identified as containing Regulated Vegetation (Category R) along the part of the rear boundary, which is generally located within proposed Lot 2. This vegetation and natural feature will be appropriately protected from development.

- d. non-residential uses are limited to meet the day-to-day needs of the residential catchment where not in proximity to land suitably zoned for centre activities;*

### Response

The proposed development does not include the establishment of any non-residential land uses.

- e. development responds to land constraints, including but not limited to, flooding, bushfire, former mining activities and land contamination;*

### Response

The subject land is mapped as containing small, isolated areas of Significant Hazard Area – QRA Level 2 with 1% AEP on Flood Hazard Overlay mapping, which appear to be the existing dams that are located on the site. In addition, part of the land is identified as being within the Potential Impact Buffer on the Bushfire Hazard Overlay mapping. The extent of land constraints is considered minimal and have limited, if any, potential impact to the proposed lots.

- f. the purpose of the zone will also be achieved through the following additional overall outcomes for a particular precinct:*
- g. Environs precinct:*
  - i. development is located on larger rural residential lots with very limited services and infrastructure;*
  - ii. this precinct functions as a transition area to larger land parcels and rural activities in the Rural zone.*

### Response

The Reconfiguration of a Lot provides for large allotments, that will allow for rural residential uses and associated activities, with the provision of on site infrastructure and servicing. The subject land is located centrally within the Rural Residential Zone, Environs Precinct and the



proposed development is consistent with the surrounding pattern of development and will continue to function as a transition area to larger land parcels and rural activities.

*h. Hervey Range precinct:*

- i. development supports low impact and short stay tourist and entertainment activities that compliment the natural environment and health and wellbeing pursuits;*
- ii. development ensures a high level of amenity for neighbouring properties.*

**Response**

Not applicable. The subject land is not located within the Hervey Range precinct.

It is considered that the above demonstrates that the proposed Reconfiguration of a Lot (1 lot into 3 lots) is consistent with the purpose of the Rural Residential Zone Code. To further demonstrate consistency with the assessment benchmarks of the Rural Residential Zone Code, an assessment is provided at *Appendix D* of this report.

### **5.1.5 OVERLAY CODES**

#### ***FLOOD HAZARD OVERLAY CODE***

The subject land is mapped as containing small, isolated areas of Significant Hazard Area – QRA Level 2 with 1% AEP on Flood Hazard Overlay mapping, which appear to be the existing dams that are located on the site.

The extent of the flood hazard to the subject site is isolated and minimal, providing limited potential impact to the proposed lots. Therefore, it is considered the proposed development does not result in unacceptable risk to life, property, community, economic activity and the environment during flood events.

On assessment of the proposed development against the assessment benchmarks of the Flood Hazard Overlay Code, the proposal is considered to be consistent with relevant benchmarks and the purpose of the code.

#### ***NATURAL ENVIRONMENT OVERLAY CODE***

Part of the subject land is mapped as containing Regulated Vegetation (Category R) as identified on the Natural Environmental Overlay mapping. The mapped Regulated Vegetation (Category R) is located along part of the rear boundary and will be generally located within proposed Lot 2.

Given the location and nature of the proposed development, it is considered that the MSES is appropriately protected and maintained.

On assessment of the proposed development against the assessment benchmarks of the Natural Environment Overlay Code, the proposal is considered to be consistent with relevant benchmarks and the purpose of the code.

## 5.1.6 DEVELOPMENT CODES

### *DEVELOPMENT WORKS CODE*

Proposed Lot 2 contains an existing dwelling house and is currently serviced by on site infrastructure. Proposed Lots 1 and 3, will have the ability to be adequately serviced, in particular with on site waste water treatment, water supply and connections to electricity and telecommunications.

The proposed development is considered consistent with the purpose and overall outcomes of the Development Works Code. It is considered the proposed development provides appropriate infrastructure, service accessibility and stormwater management while minimising environmental impact to the subject site and surrounds.

On assessment of the proposed development against the assessment benchmarks of the Reconfiguring a Lot Code, the proposal is considered to be generally consistent with relevant benchmarks and furthers the purpose of the code.

### *RECONFIGURING A LOT CODE*

The proposed development seeks to subdivide the existing allotment to create three (3) rural residential lots. The resultant allotments will have areas of 3.94 hectares (Lot 1), 8.38 hectares (Lot 2) and 3.88 hectares (Lot 3).

Table 8.3.3.3(b) – Minimum Lot Size and Dimensions of the planning scheme identifies that within the Rural Residential Zone, Environs Precinct, allotments are to have a minimum allotment area of 8 hectares and minimum frontage of 80 metres.

As identified on the plan of proposed reconfiguration, proposed Lots 1 and 3 do not achieve the minimum allotment size of 8 hectares. Despite this, it is considered that the proposed development provides lots that are of adequate and appropriate size, shape and dimensions, that are consistent with surrounding locality and character of the Rural Residential Zone, can accommodate the intended development, which is sought by the Performance Outcome.

The dominant character of the surrounding area is single detached dwelling houses and associated activities on large allotments. Proposed Lots 1 and 3, despite being below 8 hectares, are considered large allotments and are of sufficient size, shape and dimension to provide for a single detached dwelling house and associated rural residential uses.

A review of the surrounding area, being land within the Rural Residential Zone, Environs Precinct has confirmed that there are multiple allotments in the area that are of similar areas to the areas being proposed for this subdivision. Within a 1.5 kilometre radius of the subject site, over half of the existing allotments that are also within Rural Residential Zone, Environs Precinct are below 8 hectares (refer to plan showing surrounding lot sizes at *Appendix E*). It is acknowledged that many of these allotments are historical and created before the commencement of the current planning scheme, however, it is considered that this sets the established character and pattern of development for the locality.

The subject land is unconstrained, in terms of slope, ecological values, vegetation or waterways and therefore, each of the proposed allotments can be provided with a suitable building envelope, without compromising any site features or values. It is noted that the proposed allotment configurations have been determined based on the location of existing dams located on the subject land, to ensure that the dams are wholly located within the allotment.

Accordingly, while two of the proposed allotments are not compliant with the minimum lot size sought by Acceptable Outcome AO1, consistency with Performance Outcome PO1 of the Code can be achieved. It is considered that the abovementioned, sufficiently demonstrates that the proposed development:

- creates allotments that of sufficient size, shape and dimensions;
- provides allotments that are consistent with the established character and pattern of development of the surrounding area and therefore, the Rural Residential Zone, Environs Precinct;
- creates allotments that can appropriately accommodate the intended development, being a single detached dwelling house and associated rural residential uses; and
- is located on unconstrained land that does not contain areas of significant ecological values.

Accordingly, on balance, it is considered that the proposed development is consistent with relevant benchmarks and the purpose of the Reconfiguring a Lot Code.



## 6.0 CONCLUSION

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The Applicant is seeking approval from Charters Towers Regional Council for Reconfiguring a Lot (1 lot into 3 lots) over land located at 39 Robertson Road, Broughton and properly described as Lot 1 on RP884741.

This report has provided a review of the of the subject land, a detailed description of the proposed development, identified the applicable legislative provisions and provided a detailed assessment of the proposed development against the relevant provisions the Charters Towers Regional Town Plan Version 2.

The assessment against the Charters Towers Regional Town Plan Version 2 identifies that the proposed development, while proposing two (2) allotments that are below the preferred minimum lot size for the Rural Residential Zone, Environs Precinct, is consistent with the intent of the planning scheme.

The proposed development creates allotments that are of a configuration and proportions that are consistent with the surrounding locality and established character of the area. The proposed allotments are large allotments, suitable for the intended rural residential use that are also responsive to the topography and natural features of the site and surrounding landscape.

On balance, despite two (2) of the lots being below the preferred minimum lot size, it been demonstrated that the proposed development achieves consistency with the relevant assessment benchmarks of the planning scheme, including the strategic framework and applicable codes. Accordingly, subject to the imposition of reasonable and relevant conditions, Council are able to issue a Development Permit for Reconfiguring a Lot (1 lot into 3 lots).

# APPENDIX A

DA Form 1

# DA Form 1 – Development application details

Approved form (version 1.3 effective 28 September 2020) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

**Note:** All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	David & Louise Hill-Warner
Contact name (only applicable for companies)	C/ - MD Land Surveys (Erin Berthelsen)
Postal address (P.O. Box or street address)	228 Draper Street
Suburb	Parramatta Park
State	Queensland
Postcode	4868
Country	Australia
Contact number	0402 806 016
Email address (non-mandatory)	erin@mdlandsurveys.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	1459

2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input checked="" type="checkbox"/> No – proceed to 3)	

## PART 2 – LOCATION DETAILS

### 3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

**Note:** Provide details below and attach a site plan for any or all premises part of the development application. For further information, see [DA Forms Guide: Relevant plans](#).

#### 3.1) Street address and lot on plan

- ☒ Street address **AND** lot on plan (all lots must be listed), **or**  
☐ Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		39	Robertson Road	Broughton
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		1	RP884741	Charters Towers
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

#### 3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

**Note:** Place each set of coordinates in a separate row.

- ☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

- ☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

#### 3.3) Additional premises

- ☐ Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application  
☒ Not required

### 4) Identify any of the following that apply to the premises and provide any relevant details

- ☐ In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

- ☐ On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

Name of local government for the tidal area (if applicable):

Name of port authority for tidal area (if applicable):

- ☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*

Name of airport:

<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: <input type="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

**5) Are there any existing easements over the premises?**

*Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).*

- ☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- ☒ No

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

**6.1) Provide details about the first development aspect**

a) What is the type of development? *(tick only one box)*

- ☐ Material change of use    ☒ Reconfiguring a lot    ☐ Operational work    ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☒ Development permit    ☐ Preliminary approval    ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☐ Code assessment    ☒ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Reconfiguration of a Lot (1 lot into 3 lots)

e) Relevant plans

**Note:** *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms guide: Relevant plans](#).*

- ☒ Relevant plans of the proposed development are attached to the development application

**6.2) Provide details about the second development aspect**

a) What is the type of development? *(tick only one box)*

- ☐ Material change of use    ☐ Reconfiguring a lot    ☐ Operational work    ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☐ Development permit    ☐ Preliminary approval    ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☐ Code assessment    ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

e) Relevant plans

**Note:** *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).*

- ☐ Relevant plans of the proposed development are attached to the development application

**6.3) Additional aspects of development**

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application

- ☒ Not required

## Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete DA Form 2 – Building work details

### Division 1 – Material change of use

**Note:** This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m <sup>2</sup> ) (if applicable)
8.2) Does the proposed use involve the use of existing buildings on the premises?			
<input type="checkbox"/> Yes			
<input type="checkbox"/> No			

### Division 2 – Reconfiguring a lot

**Note:** This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?	
1	
9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
<input checked="" type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13))

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				3 Rural Residential
10.2) Will the subdivision be staged?				
<input type="checkbox"/> Yes – provide additional details below				
<input checked="" type="checkbox"/> No				
How many stages will the works include?				
What stage(s) will this development application apply to?				

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?				
Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:



Number of parts created				

## 12) Boundary realignment

### 12.1) What are the current and proposed areas for each lot comprising the premises?

Current lot		Proposed lot	
Lot on plan description	Area (m <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )

### 12.2) What is the reason for the boundary realignment?

--

### 13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)

Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

## Division 3 – Operational work

**Note:** This division is only required to be completed if any part of the development application involves operational work.

### 14.1) What is the nature of the operational work?

- |  |                                     |  |
|--|-------------------------------------|--|
| <input type="checkbox"/> Road work   | <input type="checkbox"/> Stormwater | <input type="checkbox"/> Water infrastructure  |
| <input type="checkbox"/> Drainage work   | <input type="checkbox"/> Earthworks | <input type="checkbox"/> Sewage infrastructure |
| <input type="checkbox"/> Landscaping   | <input type="checkbox"/> Signage    | <input type="checkbox"/> Clearing vegetation   |
| <input type="checkbox"/> Other – please specify: <table border="1" style="display: inline-table; width: 400px; height: 20px;"></table> |                                     |  |

### 14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)

- ☐ Yes – specify number of new lots:
- ☐ No

### 14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)

\$ Unknown

## PART 4 – ASSESSMENT MANAGER DETAILS

### 15) Identify the assessment manager(s) who will be assessing this development application

Charters Towers Regional Council

### 16) Has the local government agreed to apply a superseded planning scheme for this development application?

- ☐ Yes – a copy of the decision notice is attached to this development application
- ☐ The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- ☒ No

## PART 5 – REFERRAL DETAILS

### 17) Does this development application include any aspects that have any referral requirements?

**Note:** A development application will require referral if prescribed by the Planning Regulation 2017.

☒ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the *Planning Act 2016***:

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☐ Infrastructure-related referrals – state transport infrastructure
- ☐ Infrastructure-related referrals – State transport corridor and future State transport corridor
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ Tidal works or works in a coastal management district
- ☐ Reconfiguring a lot in a coastal management district or for a canal
- ☐ Erosion prone area in a coastal management district
- ☐ Urban design
- ☐ Water-related development – taking or interfering with water
- ☐ Water-related development – removing quarry material (*from a watercourse or lake*)
- ☐ Water-related development – referable dams
- ☐ Water-related development – levees (*category 3 levees only*)
- ☐ Wetland protection area

Matters requiring referral to the **local government**:

- ☐ Airport land
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government*)
- ☐ Heritage places – Local heritage places

Matters requiring referral to the **Chief Executive of the distribution entity or transmission entity**:

- ☐ Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:

- The **Chief Executive of the holder of the licence**, if not an individual
- The **holder of the licence**, if the holder of the licence is an individual

☐ Infrastructure-related referrals – Oil and gas infrastructure

Matters requiring referral to the **Brisbane City Council**:

☐ Ports – Brisbane core port land

Matters requiring referral to the **Minister responsible for administering the *Transport Infrastructure Act 1994***:

☐ Ports – Brisbane core port land (*where inconsistent with the Brisbane port LUP for transport reasons*)

☐ Ports – Strategic port land

Matters requiring referral to the **relevant port operator**, if applicant is not port operator:

☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)

Matters requiring referral to the **Chief Executive of the relevant port authority**:

☐ Ports – Land within limits of another port (*below high-water mark*)

Matters requiring referral to the **Gold Coast Waterways Authority**:

☐ Tidal works or work in a coastal management district (*in Gold Coast waters*)

Matters requiring referral to the **Queensland Fire and Emergency Service**:

☐ Tidal works or work in a coastal management district (*involving a marina (more than six vessel berths)*)

**18) Has any referral agency provided a referral response for this development application?**

☐ Yes – referral response(s) received and listed below are attached to this development application

☒ No

Referral requirement	Referral agency	Date of referral response

Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application (*if applicable*).

## PART 6 – INFORMATION REQUEST

**19) Information request under Part 3 of the DA Rules**

☒ I agree to receive an information request if determined necessary for this development application

☐ I do not agree to accept an information request for this development application

**Note:** By not agreeing to accept an information request I, the applicant, acknowledge:

- that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties
- Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.

Further advice about information requests is contained in the [DA Forms Guide](#).

## PART 7 – FURTHER DETAILS

**20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)**

☐ Yes – provide details below or include details in a schedule to this development application

☒ No

List of approval/development application references	Reference number	Date	Assessment manager

<input type="checkbox"/> Approval			
<input type="checkbox"/> Development application			
<input type="checkbox"/> Approval			
<input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

- ☐ Yes – a copy of the receipted QLeave form is attached to this development application
- ☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid
- ☒ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

- ☐ Yes – show cause or enforcement notice is attached
- ☒ No

23) Further legislative requirements

**Environmentally relevant activities**

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

- ☐ Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below
- ☒ No

**Note:** Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at [www.qld.gov.au](http://www.qld.gov.au). An ERA requires an environmental authority to operate. See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

- ☐ Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

**Hazardous chemical facilities**

23.2) Is this development application for a **hazardous chemical facility**?

- ☐ Yes – *Form 69: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application
- ☒ No

**Note:** See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information about hazardous chemical notifications.

### **Clearing native vegetation**

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

☒ No

**Note:** 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.  
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

### **Environmental offsets**

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

☒ No

**Note:** The environmental offset section of the Queensland Government's website can be accessed at [www.qld.gov.au](http://www.qld.gov.au) for further information on environmental offsets.

### **Koala habitat in SEQ Region**

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?

☐ Yes – the development application involves premises in the koala habitat area in the koala priority area

☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area

☒ No

**Note:** If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Water resources**

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000?**

☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

☒ No

**Note:** Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) for further information.

DA templates are available from <https://planning.dsdmp.qld.gov.au/>. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

### **Waterway barrier works**

23.7) Does this application involve **waterway barrier works?**

☐ Yes – the relevant template is completed and attached to this development application

☒ No

DA templates are available from <https://planning.dsdmp.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

### **Marine activities**

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants?**

☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

☒ No

**Note:** See guidance materials at [www.daf.qld.gov.au](http://www.daf.qld.gov.au) for further information.

### **Quarry materials from a watercourse or lake**

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development  
☒ No

**Note:** Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) and [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

### **Quarry materials from land under tidal waters**

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development  
☒ No

**Note:** Contact the Department of Environment and Science at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Referable dams**

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the Water Supply Act)?

- ☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the Water Supply Act is attached to this development application  
☒ No

**Note:** See guidance materials at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) for further information.

### **Tidal work or development within a coastal management district**

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- ☐ Yes – the following is included with this development application:
- ☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
  - ☐ A certificate of title
- ☒ No

**Note:** See guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Queensland and local heritage places**

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

- ☐ Yes – details of the heritage place are provided in the table below  
☒ No

**Note:** See guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
-----------------------------	--	-----------	--

### **Brothels**

23.14) Does this development application involve a **material change of use for a brothel**?

- ☐ Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*  
☒ No

### **Decision under section 62 of the Transport Infrastructure Act 1994**

23.15) Does this development application involve new or changed access to a state-controlled road?

- ☐ Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)  
☒ No



### Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.16) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

☐ Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered

☒ No

**Note:** See guidance materials at [www.planning.dsdmip.qld.gov.au](http://www.planning.dsdmip.qld.gov.au) for further information.

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

### 24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

☒ Yes

**Note:** See the Planning Regulation 2017 for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of [DA Form 2 – Building work details](#) have been completed and attached to this development application

☐ Yes

☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is with the development application

**Note:** This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning Report Template](#).

☒ Yes

Relevant plans of the development are attached to this development application

**Note:** Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

☒ Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)

☐ Yes

☒ Not applicable

### 25) Applicant declaration

☒ By making this development application, I declare that all information in this development application is true and correct

☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

**Note:** It is unlawful to intentionally provide false or misleading information.

**Privacy** – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

## PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

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Date received:  Reference number(s):

### Notification of engagement of alternative assessment manager

Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

### QLeave notification and payment

*Note: For completion by assessment manager if applicable*

Description of the work	
QLeave project number	
Amount paid (\$)	Date paid (dd/mm/yy)
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

# APPENDIX B

Title Search

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>50100559</b>	<b>Search Date:</b>	08/09/2023 13:32
<b>Date Title Created:</b>	21/11/1995	<b>Request No:</b>	45617770
<b>Previous Title:</b>	21469147		

#### ESTATE AND LAND

Estate in Fee Simple

LOT 1 REGISTERED PLAN 884741

Local Government: CHARTERS TOWERS

#### REGISTERED OWNER

Dealing No: 705325749 14/01/2002

DAVID RICHARD HILL-WARNER

LOUISE MARIE HILL-WARNER

JOINT TENANTS

#### EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 21469147 (Lot 1 on CP MPH40498)

#### ADMINISTRATIVE ADVICES

NIL

#### UNREGISTERED DEALINGS

NIL

\*\* End of Current Title Search \*\*

# APPENDIX C

Plan of Proposed Reconfiguration



**Proposed Reconfiguration of a Lot**  
**Lots 1, 2 & 3**  
*Cancelling Lot 1 on RP884741*  
*39 Robertson Road, Broughton*



Date: 23 October 2023  
Scale: 1:2000 @ A3  
Drawn: E Berthelsen  
Job No: 1459  
Plan No: ROL Rev A



# APPENDIX D

Assessment Against Planning Scheme Codes

#### **6.2.7.4 Rural residential zone code**

##### **6.2.7.4.1 Application**

This code applies to development where the code is identified as applicable in categories of assessment and development.

When using this code, reference should be made to section 5.3.2 and where applicable, section 5.3.3 located in Part 5.

##### **6.2.7.4.2 Purpose**

- (1) The purpose of the Rural residential zone is to provide for residential uses and activities on large lots, including lots for which the local government has not provided infrastructure and services.
- (2) The purpose of the zone will be achieved through the following overall outcomes:
  - (a) development of large rural residential lots with Dwelling houses where there is limited provision of infrastructure;
  - (b) development provides a high level of residential amenity and character appropriate for the Rural residential zone;
  - (c) natural features such as creeks, gullies, waterways, wetlands, vegetation and bushland are retained, enhanced and buffered from the impacts of development. Any unavoidable impacts are minimised through location, design operation and management requirements;
  - (d) non-residential uses are limited to meet the day-to-day needs of the residential catchment where not in proximity to land suitably zoned for centre activities;
  - (e) development responds to land constraints, including but not limited to, flooding, bushfire, former mining activities and land contamination;  
Editor's note—Sites of former mining activity may be identified through the Historic Mining Permits, Resources (Mineral Occurrence and Geological Observation Data) and Abandoned Mines layers of MyMinesOnline Maps. However, proponents should be aware that the online mapping does not spatially represent all abandoned mines and their extent. Geotechnical investigation of past mining areas may reveal additional unmapped historic mine sites.
  - (f) the purpose of the zone will also be achieved through the following additional overall outcomes for a particular precinct:
  - (g) Environs precinct:
    - (i) development is located on larger rural residential lots with very limited services and infrastructure;
    - (ii) this precinct functions as a transition area to larger land parcels and rural activities in the Rural zone.
  - (h) Hervey Range precinct:
    - (i) development supports low impact and short stay tourist and entertainment activities that compliment the natural environment and health and wellbeing pursuits;
    - (ii) development ensures a high level of amenity for neighbouring properties.

#### 6.2.7.4.3 Specific benchmarks for assessment

**Table 6.2.7.4.3 — Accepted development subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Applicants Response
<b>Built form</b>		
<b>PO1</b> Buildings are designed and located to not adversely impact on the rural residential character of the area.	<b>AO1</b> Building height does not exceed 8.5m.	The proposed development is for Reconfiguring a Lot - no built form is proposed as part of this application.
<b>PO2</b> Buildings and other structures are located on the site to: (a) protect the amenity of residents and neighbours; and (b) not impact on existing rural industries on neighbouring rural zoned land.	<b>AO2</b> Buildings, other than a Roadside stall or a non-residential use in the Hervey Range precinct, are setback a minimum of: (a) 6m from the front boundary and 3m from the side boundaries for allotments greater than 2ha; or (b) 5m front boundary and side boundaries for existing allotments less than 2ha.	The proposed development is for Reconfiguring a Lot - no built form is proposed as part of this application.
<b>Residential density</b>		
<b>PO3</b> Residential density reflects the very low intensity character of the locality.	<b>AO3.1</b> Residential is limited to 1 Dwelling house per allotment including a Secondary dwelling	The proposed development is for Reconfiguring a Lot only. Proposed Lot 2 contains an existing dwelling. Development on Lots 1 and 3 is expected to be a Dwelling House.
<b>PO4</b>	<b>AO4.1</b> Any Secondary dwelling is: (a) a maximum of 80m <sup>2</sup> gross floor area; and (b) within 25m of the main building.	The proposed development is for Reconfiguring a Lot - no built form is proposed as part of this application.
<b>Use - Roadside stall</b>		
<b>PO4</b> Roadside stalls are of a scale in keeping with the rural residential character of the area.	<b>AO4.1</b> Structures associated with the use are limited to 30m <sup>2</sup> gross floor area.	The proposed development is for Reconfiguring a Lot - the development does not include a roadside stall.
	<b>AO4.2</b>	

Performance outcomes	Acceptable outcomes	Applicants Response
	Structures associated with the use are setback 0m from the front boundary and 3m from the side boundary for allotments greater than 2ha.	The proposed development is for Reconfiguring a Lot - the development does not include a roadside stall.
	<b>A04.3</b> The Roadside stall only sells produce grown on site.	The proposed development is for Reconfiguring a Lot - the development does not include a roadside stall.
<b>Where in the Hervey Range precinct</b>		
<b>PO5</b> Any Caretaker's accommodation is ancillary to the primary use.	<b>A05</b> No more than 1 Caretaker's accommodation unit is established on site.	Not applicable - subject land is not within the Hervey Range precinct.
<b>For all assessable development</b>		
<b>Land use</b>		
<b>PO6</b> Non-residential uses and are limited to those which: (a) do not impact on residential amenity; (b) are compatible with neighbouring rural uses; (c) are complementary to local character and amenity; and (d) do not undermine the viability of nearby urban areas.	No acceptable outcomes are nominated.	The proposed development is for Reconfiguring a Lot only. The proposed development does not include non-residential uses. Proposed Lot 2 contains an existing dwelling. Development on Lots 1 and 3 is expected to be a Dwelling House.
<b>Use - Community use</b>		
<b>PO7</b> Development is located and designed on sites of sufficient size to minimise adverse impacts on:	<b>A07.1</b> A minimum site area for a Community use is 2ha.	The proposed development is for Reconfiguring a Lot - the development does not include a Community use.
	<b>A07.2</b> Siting and layout of the Community use includes:	The proposed development is for Reconfiguring a Lot - the development does not include a Community use.

Performance outcomes	Acceptable outcomes	Applicants Response
<p>(a) the amenity of the setting, in particular noise, odour and dust emissions;</p> <p>(b) the amenity of neighbours; and</p> <p>(c) the safe and effective design capacity of the region's road system.</p>	<p>(a) a total area of covered buildings and roof structures that is no greater than 10% of the site area; and</p> <p>(b) no building or structure closer than 15m to any site boundary.</p>	
	<p><b>A07.3</b></p> <p>Buildings and structures associated with a community use only include:</p> <p>(a) shelters;</p> <p>(b) toilets;</p> <p>(c) stands and/or grandstands;</p> <p>(d) kiosks;</p> <p>(e) hall/function area; or</p> <p>(f) lighting.</p>	<p>The proposed development is for Reconfiguring a Lot - the development does not include a Community use.</p>
	<p><b>A07.4</b></p> <p>Hours of operation are limited to 07:00 and 22:00 daily.</p>	<p>The proposed development is for Reconfiguring a Lot - the development does not include a Community use.</p>
<p><b>P08</b></p> <p>Development maintains a high level of amenity within the site and minimises impacts on surrounding areas, having regard to:</p> <p>(a) traffic and parking;</p> <p>(b) visual impact;</p> <p>(c) signage;</p> <p>(d) access to sunlight; and</p> <p>(e) privacy.</p>	<p>No acceptable outcomes are nominated.</p>	<p>The proposed development is for Reconfiguring a Lot - the development does not include a Community use.</p>

Performance outcomes	Acceptable outcomes	Applicants Response
Editor's note—Applicants may be required to engage specialists to provide detailed investigations into the above matters in order to demonstrate compliance with this performance criterion.		
Effects of development		
<p><b>PO9</b></p> <p>Development responds sensitively to on site and surrounding topography, drainage patterns, utility services, access, vegetation and adjoining land uses, such that:</p> <p>(a) any hazards to people or property are avoided;</p> <p>(b) any earthworks are minimised;</p> <p>(c) the retention of natural drainage lines are maximised;</p> <p>(d) the retention of existing vegetation is maximised;</p> <p>(e) damage or disruption to sewer, stormwater and water infrastructure is avoided;</p> <p>(f) the risk of introducing and spreading weeds and pest animals is mitigated; and</p> <p>(g) there is adequate buffering, screening or separation to adjoining development.</p>	No acceptable outcomes are nominated.	<p>The subject land is unconstrained in terms of slope, ecological values, vegetation and waterways and suitable building envelopes can be established without compromising site features. It is also noted that the proposed allotments are of configuration and proportions that allows future development to appropriately respond to on site and surrounding topography, drainage patterns, utility services, access, vegetation and adjoining uses. In particular, the proposed development:</p> <ul style="list-style-type: none"> <li>. avoids hazards to people and property</li> <li>. will not involve earthworks</li> <li>. will maintain existing natural drainage lines and features</li> <li>. will maintain existing vegetation, apart from minor areas of removal of future development</li> <li>. will not damage or disrupt sewer, stormwater or water infrastructure</li> <li>. will not result in introducing or spreading weeds or pests</li> <li>. provides allotments that are of configurations and proportions to ensure adequate separation from adjoining land and allow for buffering and screening</li> </ul>
<p><b>PO10</b></p> <p>All uses are located, designed, orientated and constructed to:</p> <p>(a) minimise noise dust, odour or other nuisance from existing lawful uses; and</p>	No acceptable outcomes are nominated.	<p>The proposed development is for the creation of 3 rural residential allotments that are consistent with the surrounding pattern of development.</p> <p>The proposed allotments are located and orientated such that there will be no adverse impacts, in terms of dust, odour or noise from existing lawful uses.</p>

Performance outcomes	Acceptable outcomes	Applicants Response
<p>(b) minimise nuisance caused by noise, vibration and dust emissions generated from any State-controlled road, infrastructure corridor and rail network in the vicinity;</p> <p>(c) avoid areas that may place unreasonable risk to people and property from former mining activities and contaminated land.</p> <p>Editor's note--Sites of former mining activity may be identified through the Historic Mining Permits, Resources (Mineral Occurrence and Geological Observation Data) and Abandoned Mines layers of MyMinesOnline Maps. However, proponents should be aware that the online mapping does not spatially represent all abandoned mines and their extent. Geotechnical investigation of past mining areas may reveal additional unmapped historic mine sites.</p>		<p>The subject land is not located within proximity of an State controlled road, infrastructure corridor or rail network. Therefore the proposed development will not be adversely impacted by noise, vibration or dust emissions from this infrastructure.</p> <p>The subject land is not located in proximity of former mine activities or contaminated land. Therefore, the proposed development is not placing unreasonable risk to people or property from these activities.</p>
<b>Where a non-residential use in the Hervey Range precinct</b>		
<p><b>PO11</b></p> <p>Development provides adequate separation, screening and buffering from any adjoining residential premises so that residential privacy and amenity is not adversely affected.</p>	<p><b>AO11.1</b></p> <p>Where adjoining a residential premise, development including any building, structure or activity area, is no closer than 15m to any site boundary.</p>	Not applicable - subject land is not within the Hervey Range precinct.
	<p><b>AO11.2</b></p> <p>Plant and air-conditioning equipment is screened from view of the road or adjoining residential activity.</p>	Not applicable - subject land is not within the Hervey Range precinct.
<p><b>PO12</b></p> <p>Development must not unreasonably affect the amenity of the surrounding area.</p>	<p><b>AO12</b></p> <p>Hours of operation is limited for the following uses:</p> <p>(a) Food and drink outlet: 07:00 – 22:00 daily.</p> <p>(b) Function facility: 10:00 – 24:00 daily.</p>	Not applicable - subject land is not within the Hervey Range precinct.



### **8.3.3 Reconfiguring a lot code**

#### **8.3.3.1 Application**

This code applies to development identified as requiring assessment against the Reconfiguring a lot code by the tables of assessment in Part 5 (Tables of assessment).

When using this code, reference should be made to section 5.3.2 and where applicable, section 5.3.3 located in Part 5.

#### **8.3.3.2 Purpose**

- (1) The purpose of the Reconfiguring a lot code is to:
  - (a) ensure that new lots are configured in a manner that facilitates the achievement of the sustainable urban and rural outcomes expressed in the relevant zone codes;
  - (b) ensure that new lots are provided with infrastructure and access appropriate for their intended use and zone;
  - (c) minimise adverse environmental impacts and protect the productive capacity and landscape character of the region's natural resources.
  - (d) ensure that stock routes are maintained and protected from inappropriate development.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) new lots are of a size and shape appropriate for their intended use and the character of the applicable zone;
  - (b) new lot reconfiguration is responsive to topography, natural drainage systems, vegetation and habitat corridors and protects the landscape character of the locality;
  - (c) each new lot is provided with a suitable level of infrastructure, services and access;
  - (d) greenfield development is characterised by walkability, housing choice and conveniently located centres providing enhanced opportunities for social interaction;
  - (e) neighbourhoods are designed to allow development to incorporate climate responsive, energy efficient design principles;
  - (f) streets are legible, safe, highly interconnected and designed to achieve enhanced streetscapes;
  - (g) rural areas are not fragmented to the detriment of productive grazing, agricultural, horticultural or other rural uses;
  - (h) open space meets the active and passive recreational needs of the community and protects the biodiversity of natural areas and systems.
  - (i) development does not conflict with the ongoing efficient and safe use of the stock route network by travelling stock.

Editor's note—In order to demonstrate compliance with this code, Council may request the preparation of a structure plan which may form the basis of a preliminary approval for development in an area within the Industry investigation zone or Emerging community. Refer also to section 3.3.1.2(16) and 3.4.1.2(6) of the Strategic Framework.

### 8.8.3.3 Specific benchmarks for assessment

**Table 8.3.3.3(a) — Assessable development**

Performance outcomes	Acceptable outcomes	Applicants Response
<b>Lot design</b>		
<b>PO1</b> Reconfiguration creates lots that are of a sufficient size, shape and dimension: <ul style="list-style-type: none"> <li>(a) that are consistent with the character of the zone;</li> <li>(b) to accommodate development commensurate with the required building footprint, setbacks, private open space, vehicle access and parking and servicing areas for the zone;</li> <li>(c) that does not compromise the future development potential of land in the Emerging community zone and Industry investigation zone for urban purposes; and</li> <li>(d) are sufficient to protect areas with significant ecological values.</li> </ul>	<b>AO1</b> Lots comply with the minimum lot size and dimensions specified for its zone in Table 8.3.3.3(b)—Minimum lot size and dimensions.	COMPLIES PO1 Table 8.3.3.3(b), identifies that the preferred minimum allotment area for lots within the Rural Residential Zone, Environs Precinct is 8 hectares, with a minimum frontage of 50 metres. The proposed development creates two allotments that have areas below 8 hectares, being Lot 1 at 3.94 hectares and Lot 3 at 3.89 hectares. All of the lots have a frontage greater than 80 metres.  Despite, the proposed lots not achieving the minimum lot area, it is considered that the compliance with the corresponding Performance Outcome can be demonstrated. *Further assessment against PO1 provided at end of Code.
<b>PO2</b> Rear lots are only created where: <ul style="list-style-type: none"> <li>(a) they are for the purpose of a single Dwelling house;</li> <li>(b) the topography of the land or other physical features ensure that the amenity of adjoining lots would not be detrimentally affected;</li> <li>(c) the circumstances of the particular case are such that it would not be desirable or practical to provide full frontage lots; and</li> <li>(d) the function and safety of the road frontage road is not adversely affected and allows for waste collection.</li> </ul>	<b>AO2.1</b> Only one rear lot is provided behind each full frontage lot.	The proposed development does not include any rear lots.
	<b>AO2.2</b> The minimum size of a rear lot, excluding its access handle is: <ul style="list-style-type: none"> <li>(a) the same as the minimum lot size for the relevant zone in accordance with Table 8.3.3.3(b)—Minimum lot size and dimensions; and</li> <li>(b) is capable of containing a building envelope having minimum dimensions of 15m x 20m.</li> </ul>	The proposed development does not include any rear lots.
	<b>AO2.3</b> The access handle of the rear allotment has a minimum width of 4m.	The proposed development does not include any rear lots.

<b>P03</b> Any boundary realignment must: (a) improve the shape or utility of the existing lot; (b) be consistent with the character of the zone; and (c) not create additional lots.	<b>AO3.1</b> No additional lots are created.	The proposed development is not a boundary realignment.
<b>P04</b> Any boundary realignment must: (a) be an improvement on the existing situation; (b) avoid encumbering existing physical features such as dams and waterways; and (c) not create a situation where, as a result of the reconfiguration any buildings or structures become unlawful.	<b>AO3.2</b> The boundary realignment meets the minimum lot size and dimensions in accordance with Table 8.3.3.3(b)–Minimum lot size and dimensions.	The proposed development is not a boundary realignment.
<b>General design</b>		
<b>P05</b> The layout of lots, streets and infrastructure avoids or minimises impacts on environmental features by: (a) following the natural topography and minimising earthworks; (b) avoiding crossing or otherwise fragmenting waterways, wetlands, habitat areas, ecological corridors or steep land; and (c) maintaining natural drainage features and hydrological regimes.	No acceptable outcome is nominated.	The subject land is unconstrained, in terms of slope, ecological values, vegetation or waterways and suitable building envelopes can be established without compromising any site features.
<b>P06</b> Lot design does not increase risks to people and property through: (a) natural hazards; and (b) unreasonable impacts from noise dust, odour or other nuisance from existing lawful uses.	No acceptable outcome is nominated.	The subject land is not identified as being affected by natural hazards, such as flood inundation, bushfire etc - or subject to unreasonable impacts, such as noise, dust or odour. Therefore the proposed subdivision will not increase risks to people or property.
<b>P07</b> Reconfiguration is designed to ensure integration with the surrounding locality, having regard to:	No acceptable outcome is nominated.	

<p>(a) connections to surrounding streets, pedestrian and cycle networks and other infrastructure networks;</p> <p>(b) open space networks, habitat areas or corridors;</p> <p>(c) connections to centres, employment areas and recreation areas;</p> <p>(d) surrounding landscaping and streetscape treatments; and</p> <p>(e) the interface between adjoining land uses.</p>		The proposed development is for a Rural Residential subdivision, which is consistent with the surrounding locality.
<b>Neighbourhood design in the General residential zone</b>		
<p><b>PO8</b> Reconfigurations are designed to ensure:</p> <p>(a) the creation of seamless interlinked neighbourhoods with residential character and identity;</p> <p>(b) pedestrian movement is encouraged; and</p> <p>(c) neighbourhoods are concentrated around community focus points such as centres and parks.</p>	No acceptable outcome is nominated.	Not applicable, the subject land is not within the General Residential Zone.
<p><b>PO9</b> A variety of lot sizes are provided in close proximity to centres and parks to promote a wider housing choice and mix that are consistent with zone outcomes.</p>	No acceptable outcome is nominated.	Not applicable, the subject land is not within the General Residential Zone.
<p><b>PO10</b> Neighbourhood design provides for safer communities by maximising opportunities for casual surveillance and minimising opportunities for crime and vandalism.</p> <p>Editor's note—Applicants may find useful guidance in the Queensland Government's Crime Prevention through Environmental Design Guidelines for Queensland.</p>	No acceptable outcome is nominated.	Not applicable, the subject land is not within the General Residential Zone.

<b>PO11</b> Movement and open space networks are: (a) safe, clearly legible and have a high degree of connectivity; and (b) interconnected through a grid or modified grid pattern.	No acceptable outcome is nominated.	Not applicable, the subject land is not within the General Residential Zone.
<b>PO12</b> Movement networks prioritise walking and cycling within neighbourhoods.	No acceptable outcome is nominated.	Not applicable, the subject land is not within the General Residential Zone.
<b>PO13</b> The permeability and connectivity of streets is not compromised by the use of cul-de-sacs unless no alternative arrangement is possible.	No acceptable outcome is nominated.	Not applicable, the subject land is not within the General Residential Zone.
<b>Climate responsive design</b>		
<b>PO14</b> Neighbourhood layouts are designed to respond to local climate conditions and enable energy efficient dwellings.	No acceptable outcome is nominated.	The proposed development is for a Rural Residential subdivision - the proposed allotments are of an area and configuration to allow future dwellings to be orientated to enable energy efficiency.
<b>Lot reconfiguration in the Industry zone</b>		
<b>PO15</b> Reconfiguration facilitates all types of industrial activities through: (a) the creation of functional activity areas and building footprints; (b) a range of lot sizes; (c) accommodating appropriate waste water management capabilities; and (d) maximising access to significant roads, highways and railways.	No acceptable outcome is nominated.	Not applicable, the subject land is not within the Industry Zone.
<b>PO16</b> Where reconfiguration adjoins land in another zone, lots are of a sufficient size to mitigate any noise, air quality and visual impacts on that adjoining land.	No acceptable outcome is nominated.	Not applicable, the subject land is not within the Industry Zone.

Lot reconfiguration in the Rural zone		
<b>PO17</b> Reconfiguration: (a) maintains rural, open space and landscape character; (b) protects the productive capacity of rural land resources; (c) allows for the efficient operation of rural activities and viable farming and grazing practices; and (d) development does not adversely impact extractive and mining operations.	<b>AO17</b> Lots comply with the minimum lot size and dimensions for the rural zone specified in Table 8.3.3.3(b)–Minimum lot size and dimensions.	Not applicable, the subject land is not within the Rural Zone.
<b>PO18</b> Reconfiguration of land identified as Class A and B Agricultural land does not: (a) adversely impact on the viability of land for productive agricultural purposes; and (b) constrain existing farming activities.  Editor's note–Class A and B agricultural land is identified in the Agriculture overlay map OM1.	<b>AO18</b> Lots comply with the minimum lot size and dimensions for the rural zone specified in Table 8.3.3.3(b)–Minimum lot size and dimensions.	Not applicable, the subject land is not within the Rural Zone.
Infrastructure and services		
Editor's note–Refer also to the Development works code.		
<b>PO19</b> Each reconfigured lot is provided with infrastructure and services appropriate to its intended use and location in a manner that: (a) is efficient; (b) is adaptable to allow for future infrastructure upgrades; (c) minimises risk of adverse environmental or amenity-related impacts; (d) promotes the efficient use of water resources; and (e) minimises whole of life cycle costs for that infrastructure.	<b>AO19.1</b> Lots created within the Priority Infrastructure Area are designed and configured to connect to a reticulated water supply and a reticulated sewerage in accordance with the <i>Development works Town plan policy</i> .  <b>AO19.2</b> Lots created outside the Priority Infrastructure Area are designed and configured to: (a) connect to a potable on site water supply in accordance with the <i>Development works Town plan policy</i> ; and (b) treat waste water on site in accordance with the <i>Development works Town plan policy</i> .	<p>The subject land is not within the Priority Infrastructure Area. The land is within the Rural Residential Zone and it is not intended to connect to reticulated sewerage supply.</p> <p>The proposed allotments are designed and configured to be provided with a potable on site water supply and treat waste water on site.</p>

	<b>AO19.3</b> Lots are designed and configured to provide for stormwater infrastructure in accordance with the design requirements of the <i>Development works Town plan policy</i> .	The proposed allotments are for a Rural Residential subdivision an stormwater can be appropriately discharged.
	<b>AO19.4</b> Lots are connected to electricity and telecommunications infrastructure in accordance with the standards of the relevant regulatory authority prior to the commencement of any use of the site.	The proposed allotments can be connected to electricity and telecommunications infrastructure.
<b>PO20</b> Where reconfiguration proposes individual on site waste water disposal, it must be demonstrated that: <ul style="list-style-type: none"> <li>(a) the soil type and permeability, slope, and hydrology of the land is capable of accommodating the proposed loads within the lot;</li> <li>(b) there is sufficient area within the lot for an alternative disposal area should it be required; and</li> <li>(c) individually and collectively, the impacts of the existing and proposed systems do not adversely impact on the groundwater quality of the locality.</li> </ul>	No acceptable outcome specified.	The proposed vacant allotments, when a future dwelling house is established will be serviced by on site waste water disposal systems, similar to the dwelling house on proposed Lot 2 and other properties within the surrounding locality.
<b>Access and road design</b> Editor's note—refer also to the Development works code.		
<b>PO21</b> Lots have safe access for vehicles and pedestrians through: <ul style="list-style-type: none"> <li>(a) direct frontage to a properly constructed public road or to common property having a direct frontage to a properly constructed public road created under a community management statement; and</li> </ul>	<b>AO21</b> Lots are designed to achieve safe vehicle and pedestrian access in accordance with the <i>Development works Town plan policy</i> .	Each of the proposed allotments have direct road frontage - with all lots having frontage to Robertson Road and Lot 1 also having frontage to Alexandra Road and Lot 3 having frontage to Ashglen Road. Safe and convenient vehicles access can be provided from these roads.

(b) providing access appropriate for the type of vehicle associated with development.		
<b>PO22</b> Reconfiguration involving the creation of new roads must: <ul style="list-style-type: none"> <li>(a) provide for the safe, efficient and convenient movement for all modes of transport;</li> <li>(b) are designed and constructed to support their intended function for all relevant design vehicle types;</li> <li>(c) provide safe and easy access to the frontage of lots;</li> <li>(d) are designed and constructed to give priority to pedestrian and bicycle pathways at intersections;</li> <li>(e) where practicable, align with open space corridors and waterways; and</li> <li>(f) where appropriate provide connections to adjoining land.</li> </ul>	No acceptable outcome specified.	Not applicable, the proposed development does not involve the creation of new roads.
<b>PO23</b> New roads ensure streetscape and landscape treatments are provided that: <ul style="list-style-type: none"> <li>(a) create an attractive and legible environment which establishes character and identity;</li> <li>(b) maintain important views and vistas where possible;</li> <li>(c) enhance safety and comfort, and meet user needs;</li> <li>(d) complement the function of the street in which they are located by reinforcing desired traffic speed and behaviour;</li> <li>(e) support safe pedestrian and cycling movement;</li> <li>(f) maximise infiltration of stormwater runoff wherever practicable;</li> <li>(g) provide shade through street trees along road frontages; and</li> </ul>	No acceptable outcome specified.	Not applicable, the proposed development does not involve the creation of new roads.



(h) minimise maintenance and whole of lifecycle costs.		
<b>PO24</b> Reconfiguration includes appropriate pedestrian and cycle infrastructure that: <ul style="list-style-type: none"> <li>(a) provides a high level of connectivity and permeability that links residential areas with schools; centres, community activity uses; parks and employment areas;</li> <li>(b) provides for safe street crossings and for safety between pedestrians and cyclists;</li> <li>(c) is designed taking into account topography and convenience for users; and</li> <li>(d) meets disability access standards.</li> </ul>	No acceptable outcome is nominated.	Not applicable, the proposed development does not involve the creation of new roads.
<b>Stormwater management</b> Editor's note—Refer also to the Development works code.		
<b>PO25</b> Reconfiguring a lot development: <ul style="list-style-type: none"> <li>(a) manages the stormwater quality, quantity and velocity flow characteristics from the lot to maintain or improve the pre-development levels; and</li> <li>(b) where practicable incorporates stormwater re-use.</li> </ul>	No acceptable outcome is nominated.	
<b>Parks and open space</b> Editor's note—Where acceptable outcomes are set out in this section, it is acknowledged that they may primarily be practicable in greenfield developments in the Emerging community zone or large lots within the General residential zone. Alternative outcomes are likely to be appropriate in existing developed areas. This may include works and embellishments to existing parks or recreational corridors to meet the development's demand, infrastructure charges or as part of an infrastructure agreement.		
<b>PO26</b> Reconfiguring a lot provides parkland or open space which: <ul style="list-style-type: none"> <li>(a) meets the needs of the community for a range of active and passive uses; and</li> </ul>	<b>AO26</b> Parkland is provided in accordance with the Local Government Infrastructure Plan.	The proposed development is for a Rural Residential subdivision and does not include the provision of parklands or open space.

(b) is of a sufficient size and shape to accommodate recreation activities with associated equipment and facilities.		
<b>PO27</b> The design of parkland or open space: (a) contributes to the character of the neighbourhood or area; (b) is safe and functions as a focal point for the neighbourhood or community; (c) minimise the interface between residential lots and open space through appropriate treatments including alignment, fencing and landscaping; (d) maximises road frontage to facilitate casual surveillance; (e) incorporates natural areas including important local vegetation, waterways, ridgelines and wetlands; (f) preserves landscape features important to the scenic amenity of a locality; (g) is linked to existing parkland or open space networks wherever possible; (h) offers a broad range of informal and formal experiences to the community; (i) is cost effective to maintain; and (j) provided in the early stages of staged developments.	No acceptable outcome is nominated.	The proposed development is for a Rural Residential subdivision and does not include the provision of parklands or open space.
<b>PO28</b> The location of parkland or open space is conveniently located to residential neighbourhoods.	No acceptable outcome is nominated.	The proposed development is for a Rural Residential subdivision and does not include the provision of parklands or open space.
<b>PO29</b> Open space for conservation purposes protects riparian corridors, significant vegetation and wildlife habitat and movement corridors.	No acceptable outcome is nominated.	The proposed development is for a Rural Residential subdivision and does not include the provision of parklands or open space.

<b>Volumetric reconfiguration</b>		
<b>PO30</b> Volumetric reconfiguration (subdivision of space above or below the surface of land): (a) facilitates efficient development that is consistent with the intent for the zone; or (b) is consistent with a development approval.	No acceptable outcome is nominated.	Not applicable - the proposed development is not a volumetric subdivision.
<b>Access easement</b>		
<b>PO31</b> The access easement must: (a) be of adequate width; (b) be constructed to a standard appropriate to the situation; and (c) not result in unreasonable detriment or nuisance to neighbours.	<b>AO31</b> The access easement is designed in accordance with the design requirements of the <i>Development works Town plan policy</i> .	Not applicable - the proposed development does not include an access easement.
<b>Stock routes</b>		
<b>PO32</b> The stock route network identified in the State planning policy mapping – agriculture, development and construction, mining and extractive resources is protected from encroachment by sensitive and incompatible land uses and access works are robust, fit-for-purpose and provide for the safe passage of stock traversing the stock route.	<b>AO32</b> No new allotments are created adjacent to the stock route network.	The subject land is not located adjacent to the stock route network.

**Table 8.3.3.3(b) — Minimum lot size and dimensions**

Zone	Minimum lot size	Minimum frontage
General Residential	700m <sup>2</sup>	15m
Centre	400m <sup>2</sup>	10m
Industry Township	1,000m <sup>2</sup>	20m
Rural residential	0.5ha	50m

Zone	Minimum lot size	Minimum frontage
• Hervey Range precinct	2ha	80m
• Environs precinct	8ha	80m
Emerging community Industry investigation	50ha	Not specified
Rural	5,000ha	Not specified
Community facilities Environmental management and conservation Minor tourism Recreation and open space Special purpose	Not specified	Not specified

\* Assessment against PO1

The proposed Reconfiguration of a Lot creates three allotments, with areas of 3.94 hectares (Lot 1), 8.38 hectares (Lot 2) and 3.89 hectares (Lot 3). Table 8.3.3.3(b) - Minimum Lot Size and Dimensions identifies that the preferred minimum lot size for allotments with the Rural Residential Zone, Environs Precinct is 8 hectares. While proposed Lots 1 and 3 do not achieve the minimum allotment area, it is considered that allotments are of a configuration and proportions that are consistent with the character of the Rural Residential Zone.

The dominant character of the surrounding area is single detached dwelling houses and associated activities of large lots. The proposed development, despite having lots below 8 hectares will provide allotments suitable for dwelling houses and associated activities, with a high standard of amenity.

It is also noted that there are multiple allotments within the surrounding locality, which are of areas similar to the areas being proposed for this subdivision. Accordingly, it is considered that the proposal is consistent with the surrounding lot sizes in the locality and the established character.

The subject land is unconstrained, in terms of slope, ecological values, vegetation or waterways and therefore, each of the proposed allotments can be provided with a suitable building envelope, without compromising any site features or values.

Accordingly, while two of the proposed allotments are not compliant with the minimum lot size sought by Acceptable Outcome AO1, consistency with Performance Outcome PO1 has been demonstrated. Overall, it is considered that the proposed development provides for appropriately sized allotments that are consistent with the surrounding locality and the proposal does not adversely impact the character of the Rural Residential Zone.

# APPENDIX E

Plan Showing Surrounding Lot Sizes

