

Development application—decision under delegated authority

Reconfiguring a lot – Boundary Realignment

Lot 17 on YL976 & Lot 263 on BON1443 at 19320 Burnett Highway, MUNDOWRAN QLD

Application reference: 175/19

1 Proposal summary

- (1) The applicant seeks to realign the boundaries of land between Gurgeena Road and Moreton's Road, there are no houses on either property therefore no rural address identified. The proposed realignment is on land described as 17 on YL976 and 263 on BON1443.

The purpose of the realignment is to improve the management of the properties, as it is not practical to traverse the ridge and watershed in the middle. The two severances are effectively subdivided by the ridge. The proposed boundary is a natural barrier between the two areas, whilst the eastern severance, new Lot 263 does not meet the minimum area of 100 hectares and is 90 hectares. The two properties will be managed more effectively by the realignment separated by the natural barrier.

- (2) The Council must assess the application against the assessment benchmarks, having regard to those matters set out in the *Planning Act 2016 and Planning Regulation 2017*, and decide the application in accordance with the decision rules in s60(2) and s60(5). The attached Statement of Reasons sets out the rationale for deciding to approve the application.

2 Recommendations

- (1) That the Council or its delegate, having regard to the matters set out in the attached Statement of reasons, decide the application under s60(2) of the *Planning Act 2016* by approving all of it subject to conditions.
- (2) That the Council notify the applicant of its decision in accordance with the attached Notice of decision.
- (3) That the Council publish the Notice of decision, including the Statement of reasons, on its website.

3 Decision

I concur with the above recommendations—please issue the Notice of decision as recommended.

Jeff Miles
Planning and Environment Manager

27/09/2019
Date

4 Statement of reasons

This statement explains the reasons for the assessment manager's decision in relation to a development application for Reconfiguring a Lot—Boundary Realignment (2 Lots into 2 Lots) on land described as 17 on YL976 and 263 on BON1443. The statement is required under **section 63 Notice of decision** of the *Planning Act 2016*.

4.1 Facts and circumstances

- (1) The lots are in the Rural zone—Intensive agricultural precinct and surrounded by lots in the Rural zone—Intensive agricultural precinct & Hinterland Precinct.
- (2) The application was deemed properly made on 16 *September 2019*. Council did not issue a confirmation notice as it was not necessary under s2.2 of the Development Assessment Rules.
- (3) The application does not require referral under Schedule 10 of the *Planning Regulation 2017* as the total number of lots and the total number of lots adjacent to the Burnett Highway will not increase, and no new or changed accesses between the site and Burnett Highway will result from the realignment.
- (4) The applicant stated that they agree to accept an information request, but the application included sufficient information and it was not necessary to issue an information request.
- (5) The following matters have been key considerations for the assessment manager—
 - (a) material about the application, including the proposal plans and the applicant's report;
 - (b) the North Burnett Regional Planning Scheme, to the extent relevant; and
 - (c) the SPP, to the extent that it is not appropriately integrated in the planning scheme.

4.2 Category of assessment

- (1) The proposal is identified as Code assessable against the *Reconfiguring a lot (boundary realignment) and associated operational work code*.
- (2) The proposal requires assessment against the following overlay codes—
 - (a) *Bushfire hazard overlay code* as State mapping identifies 90% of Lot 263BON1443 and the eastern part of Lot 17YL976 as locating within a potential impact buffer of a bushfire hazard area of medium potential bushfire intensity.
 - (b) *Infrastructure overlay code* – within 25m of an identified State controlled road
 - (c) *Natural features or resources overlays code* – Agricultural land classification class A & B is identified

4.3 Assessment benchmarks

- (1) A basic assessment against the assessment benchmarks is provided in the report and associated documentation submitted with the application. Such assessment confirms that the matter is relatively straightforward.

State planning instruments

- (1) *Regional plan*—the Wide Bay Burnett Regional Plan is appropriately integrated in the planning scheme and does not require further or separate consideration for Council to decide the application.
- (2) *State planning policy*—the State's interests were relevant to deciding this application to the following extent.

- (a) Agriculture – the site is in an important agricultural area and contains Agricultural land classification class A and B land. Both parcels being realigned will be used for grazing purposes. Due to the nature of the proposal and insignificant departure of the SPP from the planning scheme, compliance with the planning scheme is considered appropriate.

North Burnett Regional Planning Scheme

4.3.3.1 Reconfiguring a lot code

- (1) The proposal complies with the Reconfiguring a lot (boundary realignment) and associated operational work code as—
 - (a) it achieves the purpose and overall outcomes of the code;
 - (b) it complies with the performance outcomes of the code;
 - (c) No proposed lot is less than 1ha in area.
 - (d) The site is not encumbered by easements nor are any proposed or anticipated as required.
 - (e) The realignment will not alter current drainage characteristics, nor are any earthworks proposed or anticipated as required to effect the realignment.
 - (f) the new lot layout would be compatible with other development in the locality considering the area, proportion and orientation;
 - (g) the productivity of important agricultural areas is not compromised;

4.3.3.2 Overlay codes

- (1) The proposal complies with the Bushfire hazard overlay code as—
 - (a) it achieves the purpose and overall outcomes of the code;
 - (b) it complies with the performance outcomes of the code; and
 - (c) *Bushfire hazard overlay code* as State mapping identifies 90% of Lot 263BON1443 and the eastern part of Lot 17YL976 as locating within a potential impact buffer of a bushfire hazard area of medium potential bushfire intensity.
Notation have been placed in the Decision Notice with recommendations to address should future building structures be proposed.
- (2) The proposal complies with the Infrastructure overlay code as the site is within 25m of an identified State-controlled road. And would not create any traffic problems, as there is no access to the Burnett Highway, and the number of lots has not increased.
- (3) The proposal complies with the Natural features or resources overlays code- Assessment against this code is required as the site contains Matters of State Environmental Significant, and Agricultural Land Classification Class A and Class B. The proposal complies with this code as it would be sufficiently clear of and have minimal impact on identified natural features, regulated vegetation Class A and Class B land.

4.4 Consultation

Internal stakeholder comments

- (1) Council's Consulting Engineer was invited to commented on the application who supported approval of the application, subject to no proposed change to the use of the properties..

External stakeholder comments

- (1) The application does not require referral under Schedule 10 Part 9 Division 4 Subdivision 2 Table 1 of the *Planning Regulation 2017* given the total number of lots and the total number

of lots adjacent to the Burnett Highway will not increase, and no new or changed accesses between the site and Burnett Highway will result from the realignment.

The site 263 BON1443 contains Category B Vegetation however **neither of the parcels** to be created are **less than 25ha** (90ha and 225ha) therefore no referral.

4.4.2.2

Other

- (1) **The application did not require referral**
- (2) The application did not require public notification and as such Council did not receive any submissions about the application.

4.5 Key issues for this application

- (1) The assessment manager considers that the following matters have been instrumental in its decision—
 - (a) *Land use configuration*—both lots would be regular in shape and be compatible with other development in the locality considering the area, proportion, orientation and road frontage.
 - (b) *Access*—The three severances will be accessed from Gurgeena Road, all being existing approved accesses. Access to lot 263 will be via Moreton's Rd, the access will not create any traffic problems. Both lots would have adequate frontage to a constructed road.

4.6 Decision rules under the *Planning Act 2016*

- (1) The assessment manager—
 - (a) must approve if the proposal complies with all the assessment benchmarks;
 - (b) may approve if the proposal does not comply with some assessment benchmarks;
 - (c) may impose conditions;
 - (d) may refuse the application only if the proposal does not comply with some of the benchmarks and conditions cannot achieve compliance;
 - (e) may give a preliminary approval for all or part of the proposal.

Section 60(2) of the Planning Act 2016 sets out the decision rules for code assessment.

- (2) Development conditions must—
 - (a) be relevant to but not an unreasonable imposition; and
 - (b) be reasonably required as a consequence of the development.

Section 65 of the Planning Act 2016 limits the nature of approval conditions.

- (3) Having regard to the above matters and after assessing the application against the assessment benchmarks, the assessment manager decides to approve the application and impose conditions in accordance with the decision rules.

Extract from the North Burnett Regional Council Planning Scheme v1.2

8.2.2. Bushfire hazard overlay code

8.2.2.1. Application

- (1) This code applies to development that is accepted subject to requirements or assessable, involving material change of use or reconfiguring a lot where the development is located in a medium-risk or high-risk bushfire hazard area to the extent identified in Part 5 Tables of assessment.

8.2.2.2. Purpose and overall outcomes

1. The purpose of the Bushfire hazard overlay code is to avoid exposing people and property to hazards associated with bushfires.
2. The purpose of the code will be achieved through the following overall outcomes—
 - (a) development design and building siting achieves increased safety and comfort for people and property in the event of a bushfire; and
 - (b) uses that pose high fire trigger risk do not locate in areas of increased bushfire risk.

Response	Comments about compliance
<input checked="" type="checkbox"/> complies <input type="checkbox"/> conflicts	There are no houses on both properties uses for grazing purposes
<input type="checkbox"/> complies <input type="checkbox"/> conflicts	N/A – No habitable buildings

8.2.2.3. Performance and acceptable outcomes

Table 8.2.1 Bushfire hazard overlay code: Accepted subject to requirements and assessable development POs and AOs

Performance outcomes (PO)	Acceptable outcomes (AO)	Response	Response about compliance
For accepted subject to requirements and assessable development			
<p>PO1 A safely-located, freely-accessible and adequate water supply for firefighting purposes is available.</p>	<p>AO1.1 Development, involving proposed or existing buildings with a combined gross floor area greater than 50m²—</p> <p>(a) connects to a reticulated water supply with a minimum flow of 10 litres per second at 200kPa; or</p> <p>(b) includes a storage system that permanently holds a minimum of 5 000 litres (e.g. dam, swimming pool or water tank with fire brigade fittings and building's take off connection from that tank at a level that allows 5 000 litres to be dedicated for firefighting purposes) and is located within 100 metres of each class 1, 2, 3 or 4 building.</p>	<p><input checked="" type="checkbox"/> n.a.</p> <p><input type="checkbox"/> complies</p> <p><input type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	<p>A following note has been placed on the Decision Notice of Advice to the applicant</p> <ul style="list-style-type: none"> The subject land is identified as being located within the Bushfire Hazard Overlay, and the Natural Feature or Resources Overlay of the North Burnett Regional Planning Scheme. These Overlays may need to be considered for any future development including Building Work.
<p>PO2 The siting of buildings and structures minimises exposure to bushfire risk.</p>	<p>AO2.1 On lots less than or equal to 2,500m² buildings and structures are set back the maximum possible distance, but no less than 15 metres, to areas of medium and high bushfire risk.</p> <p>OR</p> <p>AO2.2 On lots greater than 2,500m²—</p> <p>(a) buildings and structures—</p> <p>(i) are within areas of lowest hazard within the lot; and</p> <p>(ii) are setback from hazardous vegetation 1.5 times the predominant mature canopy tree height or 15 metres whichever is the greater; and</p> <p>(iii) are 10 metres from any retained vegetation</p>	<p><input checked="" type="checkbox"/> n.a.</p> <p><input type="checkbox"/> complies</p> <p><input type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	

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Table 8.2.1 Bushfire hazard overlay code: Accepted subject to requirements and assessable development POs and AOs

Performance outcomes (PO)	Acceptable outcomes (AO)	Response	Response about compliance
	strips or small areas of vegetation; and (b) the elements of the development least susceptible to fire are closest to the bushfire hazard.		
PO3 The bulk storage or manufacture of hazardous materials is safe for people and the environment having regard to bushfire risk.	AO3.1 The bulk storage of hazardous materials of 50 litres or more of chemicals of class C1 or C2 combustible liquids under Australian Standard AS1940 occurs outside of medium and high bushfire risk areas. OR AO3.2 Where it is not practicable to comply with AO3.1, the development complies with an approved Bushfire Management Plan for the premises.	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	
PO4 Community infrastructure and community uses are able to function effectively during and immediately after a bushfire event.	no acceptable outcome identified	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	
If a material change of use resulting in multiple buildings or If reconfiguring a lot involving an increase in the number of lots—			
PO5 Bushfire risk mitigation protects the safety of people and property, including— (a) fire breaks that provide— (i) adequate setbacks between buildings and structures and hazardous vegetation; and (ii) access for fire-fighting and other emergency vehicles; and (a) adequate road access for fire-fighting and other emergency	AO5.1 The development includes— (a) a perimeter road providing a firebreak to separate the lots from areas of bushfire hazard, and that road has— (i) a minimum width of 20 metres with no vegetation located within the 20 metres; and (ii) a constructed road width and weather standard complying with the Infrastructure and operational work code; and (b) sufficient cleared breaks of 6 metres minimum width in retained bushland within the development site (e.g. creek corridors and other retained vegetation) to allow burning of sections and	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	

Table 8.2.1 Bushfire hazard overlay code: Accepted subject to requirements and assessable development POs and AOs

Performance outcomes (PO)	Acceptable outcomes (AO)	Response	Response about compliance
vehicles and safe evacuation.	<p>access for bushfire response.</p> <p>OR</p> <p>AO5.2 Where it is not practicable to comply with AO4.1, the development includes—</p> <p>(a) fire maintenance trails located as close as possible to the boundaries of the lots and between the adjoining bushfire hazard, that—</p> <p>(i) have a minimum cleared width of 6 metres; and</p> <p>(ii) have a formed width and gradient, and erosion control devices in accordance with the Infrastructure and operational work code; and</p> <p>(iii) provide passing bays and turning areas for fire-fighting appliances; and</p> <p>(iv) are either located on public land, or within an access easement that is granted in favour of the local government and Queensland Fire and Rescue Service;</p> <p>(v) have vehicular access at each end; and</p> <p>(b) sufficient cleared breaks of 6 metres minimum width in retained bushland within the development site (e.g. creek corridors and other retained vegetation) to allow burning of sections and access for bushfire response.</p> <p>AO5.3 Residential lots are designed so that their size and shape allows for efficient emergency access to buildings for firefighting appliances (e.g. by avoiding long narrow lots with long access drives to buildings)</p> <p>AO5.4 Roads—</p> <p>(a) are designed and constructed in accordance with applicable local government and State</p>		

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Table 8.2.1 Bushfire hazard overlay code: Accepted subject to requirements and assessable development POs and AOs

Performance outcomes (PO)	Acceptable outcomes (AO)	Response	Response about compliance
	<p>government standards; and</p> <p>(b) have a maximum gradient of 12.5 per cent; and</p> <p>(c) are not culs-de-sac, except where a perimeter road isolates the development from hazardous vegetation or the culs-de-sac are provided with an alternative access linking the cul-de-sac to other through roads.</p>		

Extract from the North Burnett Regional Council Planning Scheme v1.2

8.2.5. Natural features or resources overlays code

8.2.5.1. Application

- (1) This code applies to development that is accepted subject to requirements or assessable, involving material change of use, building work, operational work and reconfiguring a lot within a KRA separation area or LRA separation area, abutting an identified mine, or in the Rural zone and identified as Agricultural Land Classification Class A and Class B, or within an area identified as containing a matter of environmental significance to the extent identified in Part 5 Tables of assessment.

8.2.5.1. Purpose and overall outcomes

- (1) The purpose of the Natural features or resources overlays code is to ensure development maintains the productivity, environmental function and visual appeal of identified natural features or resources.

- (2) The purpose of the code will be achieved through the following overall outcomes—
- (a) the productive capacity of or ability to exploit identified natural features and resources is maintained;
 - (b) the avoidance of land use conflict between uses or activities;
 - (c) the environmental impacts of extractive industry are within acceptable limits in relation to on-site operations and off-site activities, including haulage;
 - (d) on-going site rehabilitation and preparation enables a suitable use of the premises after the extraction activities cease;
 - (e) the environmental values of identified natural features and resources are maintained;
 - (f) the physical form and visual appearance of identified natural resources, except for extractive resources is retained; and

Response	Comments about compliance
<input checked="" type="checkbox"/> complies <input type="checkbox"/> conflicts	<p>Although Both Class A and Class B Agricultural Land is identified it is confined to Lot 17YL976, the proposed realignment is through L263 BON1443 therefore avoids the loss or fragmentation of Agricultural Land, compliance with the planning scheme is considered appropriate.</p>
<input checked="" type="checkbox"/> complies <input type="checkbox"/> conflicts	<p>It is impractical to traverse the ridge and watershed in the middle, so the proposal will effectively be subdivided by the ridge. It is essential to consider the downstream impacts by maintaining the natural features and protecting the natural environment to control the threat of existing invasive weed species by adopting land management practices providing a long-term ecological integrity.</p>

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- (g) matters of environmental significance are valued and protected and the health and resilience of biodiversity is maintained or enhanced to support ecological integrity.

Response	Comments about compliance

8.2.5.3. Performance and acceptable outcomes

Table 8.2.4 Natural features or resources overlays code: Assessable development POs and AOs

Performance outcomes	Acceptable outcomes	Response	Comments about compliance
Protection of matters of environmental significance			
PO1 Development avoids significant impacts on areas of environmental significance.	<p>AO1.1 Development will not result in a significant impact on the relevant environmental values.</p> <p>OR</p> <p>AO1.2 The development site does not contain any matters of environmental significance.</p> <p><i>Editor's note—A report certified by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, that the development site does not contain any matters of environmental significance would be required through Planning Scheme Policy SC6.4 Information local government may request.</i></p> <p>OR</p> <p>AO1.3 Development is located, designed and operated to mitigate significant impacts on the relevant environmental values.</p> <p><i>Editor's note—Providing a report certified by an appropriately qualified person demonstrating how the proposed development mitigates impacts, including on water quality, hydrology, and biological processes would be required through Planning Scheme Policy SC6.4 Information local government may request.</i></p>	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	

Extract from the North Burnett Regional Council Planning Scheme v1.2

Table 8.2.4 Natural features or resources overlays code: Assessable development POs and AOs

Performance outcomes	Acceptable outcomes	Response	Comments about compliance
PO2 An adequate buffer to high value wetland is provided and maintained.	<p>AO2.1 A buffer surrounding a high value wetland has a minimum width of—</p> <p>(a) 200m where the wetland is located outside an urban area; or</p> <p>(b) 50m where the wetland is located within an urban area.</p> <p>OR</p> <p>AO2.2 A buffer surrounding an area containing a high value wetland is applied and maintained, the width of which is supported by an evaluation of the environmental values, functioning and threats to matters of environmental significance.</p>	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	
PO3 Development avoids the introduction of non-native pest species (plant or animal), that pose a risk to ecological integrity.	<p>AO3.1 Development avoids the introduction of non-native pest species.</p> <p>AND</p> <p>AO3.2 The threat of existing pest species is controlled by adopting pest management practices that provide for long-term ecological integrity.</p>	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	
Improving ecological connectivity and expanding habitat extent of ecological corridors			
PO4 Development within an ecological corridor maintains or enhances ecological connectivity or habitat extent.	<p>AO4.1 Where development is within a corridor, native vegetation is retained, regenerated, and rehabilitated.</p> <p>AND</p> <p>AO4.2 Development within a conservation corridor mitigates adverse impacts on native fauna feeding, nesting, breeding and roosting sites and native fauna movements.</p>	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	
Extractive resources and mining overlay			

Extract from the North Burnett Regional Council Planning Scheme v1.2

Table 8.2.4 Natural features or resources overlays code: Assessable development POs and AOs

Performance outcomes	Acceptable outcomes	Response	Comments about compliance
<p>PO5 Within a resource area—</p> <p>(a) extractive resources are available for long-term extraction;</p> <p>(b) extraction avoids or mitigates adverse impacts on areas of State or regional biodiversity,</p>	<p>AO5.1 Only extraction, activities directly associated with extraction, or development that does not constrain extraction occurs within a resource area.</p>	<p><input checked="" type="checkbox"/> n.a.</p> <p><input type="checkbox"/> complies</p> <p><input type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	
<p>PO6 Development in the Separation Area of an Key Resource Area or Local Resource Area identified on the Overlay maps OM-ER001 to OM-ER-008—</p> <p>(a) does not increase the number of people (not related to the operation of the extractive industry) living, working or congregating; and,</p> <p>(b) minimises the potential adverse effects of existing or future extractive industry.</p>	<p>no acceptable outcome identified</p>	<p><input checked="" type="checkbox"/> n.a.</p> <p><input type="checkbox"/> complies</p> <p><input type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	
<p>PO7 Development minimises the potential for adverse impacts from existing and future extractive industries (including extraction, processing and haulage routes) having regard to noise, dust, ground vibration and air blast overpressure.</p>	<p>AO7.1 Buildings and structures are located the greatest distance practicable from the resource area and associated transportation route.</p> <p>AO7.2 Those parts of buildings where people live, work and congregate (habitable rooms) are furthest from the resource/processing area and associated transportation route.</p>	<p><input checked="" type="checkbox"/> n.a.</p> <p><input type="checkbox"/> complies</p> <p><input type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	

Extract from the North Burnett Regional Council Planning Scheme v1.2

Table 8.2.4 Natural features or resources overlays code: Assessable development POs and AOs

Performance outcomes	Acceptable outcomes	Response	Comments about compliance
	<p>A07.3 The openings in walls closest to sources or nuisance are minimised.</p> <p>A07.4 Buildings incorporate mechanical ventilation to living areas sensitive to these effects.</p> <p>A07.5 Buildings use appropriate construction insulation and glazing materials.</p>		
<p>PO8 Development does not increase the number of people living, working or congregating in the transport route's separation area.</p>	no acceptable outcome identified	<input checked="" type="checkbox"/> n.a. <input type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	
Agricultural Land Overlay			
<p>PO9 Development avoids the loss or fragmentation of Agricultural Land Classification (ALC) Class A and Class B unless—</p> <p>(a) there is an overriding need for the development in terms of public benefit; and</p> <p>(b) no suitable alternative site exists; and</p> <p>(c) there is minimal loss or fragmentation of ALC land.</p>	no acceptable outcome identified	<input type="checkbox"/> n.a. <input checked="" type="checkbox"/> complies <input type="checkbox"/> PO complies <input type="checkbox"/> conflicts	<p>Agriculture – the site is in an important agricultural area and contains Agricultural land classification class A and B land. Both parcels being realigned will be used for grazing purposes. Due to the nature of the proposal and insignificant departure of the SPP from the planning scheme, compliance with the planning scheme is considered appropriate.</p>

Extract from the North Burnett Regional Council Planning Scheme v1.2

9.4.4 Reconfiguring a lot (boundary realignment) and associated operational work code

9.4.4.1 Application

This code applies to assessable development for reconfiguring a lot involving rearranging the boundaries of a lot, and the operational work associated with such reconfiguring to the extent identified in Part 5 Tables of assessment.

9.4.4.2 Purpose and overall outcomes

- (1) The purpose of the Reconfiguring a lot (boundary realignment) and associated operational work code is to ensure that reconfigured lots are appropriate to their intended or likely use and minimise adverse impacts on the environment.

- (2) The purpose of the Reconfiguring a lot (boundary realignment) and associated operational work code will be achieved through the following overall outcomes—
- (a) lots are suitable for the intended use, or probable uses having regard to the zone in which the site is included;
 - (b) the reconfiguration avoids creating access to lots that is likely to create or exacerbate a traffic problem or adversely affect the function of a road;
 - (c) lots do not compromise the future development of adjoining premises;
 - (d) non-trunk infrastructure services the lots to a suitable level that meets the anticipated needs of users;

Response	Comments about compliance
<input checked="" type="checkbox"/> complies <input type="checkbox"/> conflicts	<p>Both lots are zoned Rural, Intensive Agriculture.</p> <p>The proposed boundary is a natural barrier between the two areas, the eastern severance (New Lot 263 hectares) can also be managed more effectively without the western severance. Whilst the new Lot 263 does not meet the minimum area of 100 hectares and is 90 hectares, the two properties will be managed more effectively by the realignment separated by the natural barrier (Ridge).</p>
<input checked="" type="checkbox"/> complies <input type="checkbox"/> conflicts	<p>There are no dwellings on either property, as they are presently used for cattle grazing only.</p> <p>The proposal will not create any traffic problems, as there is no access to the Burnett Highway, and the number of lots has not increased.</p>

- (e) the reconfiguration protects environmental values, including areas and sites of conservation significance, cultural heritage, and scenic amenity.

Response	Comments about compliance

Performance and acceptable outcomes

Table 9.4.8—Reconfiguring a lot (boundary realignment) and associated operational work code: Assessable development POs and AOs

Performance outcomes (PO)	Acceptable outcomes (AO)	Response	Comments about compliance
Lot design			
<p>PO1 The reconfiguring results in functional and practical lots having regard to their likely use and the purpose for the zone in which the land is situated.</p>	<p>AO1.1 New boundaries do not increase any non-compliance with the building envelope requirements in—</p> <p>(a) Table 6.2.9 – Building envelope criteria (for buildings other than Class 1 or 10): All zones; or</p> <p>(b) the Dwelling house code or Dual occupancy code (for Class 1 or 10 buildings).</p> <p>AO1.2 If in the Rural zone, no proposed lot is less than 1.0 hectares in area.</p> <p>AO1.3 The reconfiguring would not result in more than one rear lot behind a standard lot.</p> <p>AO1.4 The reconfiguration ensures that any existing buildings and structures are setback to any new property boundary in accordance with—</p> <p>(a) Table 6.2.9—Building envelope criteria (for buildings other than Class 1 or 10): All zones; or</p> <p>(b) the Dwelling house code or Dual occupancy code (for Class 1 or 10 buildings).</p> <p>AO1.5 The configuration of lots enables—</p> <p>(a) proposed buildings and structures to avoid easements, such as easements for trunk sewer</p>	<p><input type="checkbox"/> n.a.</p> <p><input checked="" type="checkbox"/> complies</p> <p><input type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	<p>The new lot layout would be compatible with other development in the locality considering the area, proportion, purpose for the zone and orientation</p> <p>No proposed lot is less than 1 ha in area The number of lots has not increased (2 into 2)</p>

Extract from the North Burnett Regional Council Planning Scheme v1.2

Table 9.4.8—Reconfiguring a lot (boundary realignment) and associated operational work code: Assessable development POs and AOs

Performance outcomes (PO)	Acceptable outcomes (AO)	Response	Comments about compliance
	<p>lines;</p> <p>(b) the construction of buildings and structures where they avoid existing or planned infrastructure.</p> <p>AO1.6 No new boundary is created where the existing slope of the land is 15 per cent or greater.</p>		
Infrastructure			
<p>PO2 Lots have appropriate non-trunk infrastructure.</p>	<p>AO2.1 Either—</p> <p>(a) for premises within a reticulated water area, each lot has a connection to the reticulated water supply system; or</p> <p>(b) for premises outside a reticulated water area, each lot is provided with an alternate potable water supply source (e.g. rainwater, bore water), with a minimum storage capacity in accordance with the following—</p> <p>(i) residential premises – 45,000 litres; and</p> <p>(ii) other premises – 25,000 litres.</p> <p>AO2.2 Either—</p> <p>(a) for premises within a sewerage area, each lot has a connection to the sewerage service; or</p> <p>(b) for premises outside a sewerage area, each lot provides for an effluent treatment and disposal system in compliance with the <i>Plumbing and Drainage Act 2002</i>.</p> <p>AO2.3 Either—</p> <p>(a) in all zones other than the Rural zone and the Recreation and open space zone, each lot has a connection to an electricity supply network; or</p>	<p><input checked="" type="checkbox"/> n.a.</p> <p><input type="checkbox"/> complies</p> <p><input type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	<p>There are no houses on these properties and no intention for such in the future. The land is used for cattle grazing purposes.</p>

Table 9.4.8—Reconfiguring a lot (boundary realignment) and associated operational work code: Assessable development POs and AOs

Performance outcomes (PO)	Acceptable outcomes (AO)	Response	Comments about compliance
	<p>(b) each lot in the Rural zone or Recreation and open space zone has on-site electricity generating infrastructure.</p> <p>AO2.4 Each lot has access to a telecommunications network.</p>		
Access			
<p>PO3 Lots incorporate suitable vehicular and pedestrian access having regard to the zone and the context of the land.</p>	<p>AO3.1 Each lot has lawful, safe and practical access to the existing road network via—</p> <p>(a) direct road frontage; or</p> <p>(b) an access strip (for a rear lot); or</p> <p>(c) an access easement.</p> <p>AO3.2 Where access to a lot is proposed via an access strip or easement, the access strip or easement—</p> <p>(a) has a minimum width of—</p> <p>(i) six metres in all zones except the Industry zone; or</p> <p>(ii) eight metres in the Industry zone; and</p> <p>(b) is designed and constructed in accordance with the—</p> <p>(i) Infrastructure and operational work code; and</p> <p>(ii) SC6.2 Design and construction standards for non-truck infrastructure works.</p> <p>AO3.3 The maximum length of an access strip or easement is 50 metres.</p> <p>AO3.4 The gradient of an access strip or</p>	<p><input type="checkbox"/> n.a.</p> <p><input checked="" type="checkbox"/> complies</p> <p><input type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	<p>The site is not encumbered by easements nor are any proposed.</p>

Extract from the North Burnett Regional Council Planning Scheme v1.2

Table 9.4.8—Reconfiguring a lot (boundary realignment) and associated operational work code: Assessable development POs and AOs

Performance outcomes (PO)	Acceptable outcomes (AO)	Response	Comments about compliance
	<p>easement does not exceed any maximum grade stated in SC6.2 Design and construction standards for non-trunk infrastructure works.</p> <p>AO3.5 A driveway crossover to each lot is designed and constructed in accordance with the—</p> <p>(a) Infrastructure and operational work code; and</p> <p>(b) SC6.2 Design and construction standards for non-trunk infrastructure works.</p>		
Stormwater			
<p>PO4 Reconfiguring appropriately accommodates stormwater, having regard to the zone and the context of the land.</p>	<p>AO4.1 For land intended to be used for urban purposes—an erosion and sediment control plan prepared by a suitably qualified person and implemented on-site guides design, installation, construction, operation, monitoring and maintenance of erosion and sediment control practices in accordance with the <i>Urban Stormwater Quality Planning Guidelines 2010</i>.</p> <p>AO4.2 Filling or excavation on the premises does not exceed a maximum of one-metre vertical change in natural ground level at any point.</p> <p>AO4.3 Following filling or excavation—</p> <p>(a) the site is self-draining and has a crossfall of 1 in 100; and</p> <p>(b) surface water flow is directed away from neighbouring properties or discharged to a lawful point of discharge.</p>	<p><input checked="" type="checkbox"/> n.a.</p> <p><input type="checkbox"/> complies</p> <p><input type="checkbox"/> PO complies</p> <p><input type="checkbox"/> conflicts</p>	