

Our Ref: 20220618

18 April 2023

North Burnett Regional Council
PO Box 390
Gayndah QLD 4625
Sent via email: admin@northburnett.qld.gov.au

Attention: Development Assessment Team

Dear Sir/Madam,

DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (BOUNDARY REALIGNMENT - 2 LOTS INTO 2 LOTS AND CHANGES TO AN ACCESS EASEMENT) AT 48-50 AND 52-56 LYONS STREET, MUNDUBBERA (LOT 3 ON SP180560 AND LOT 8 ON SP193730)

Please find enclosed development application for Reconfiguring a Lot to be assessed by North Burnett Regional Council. In support of this application please find enclosed:

- Town Planning Assessment Report and Code Assessment prepared by Adapt Development Management Pty Ltd;
- Landowner's consent x2;
- DA Form 1; and
- Proposal Plan prepared by JB Serisier Surveyors and Planners.

Payment of the relevant fee will be made once a reference number and invoice has been received. We thank Council for assessing the above application.

Based on the information provided in this application we respectfully request that Council proceed to issue a development permit.

If you have any questions with respect to the above, please do not hesitate to contact the undersigned.

Yours faithfully,

Adapt Development Management Pty Ltd



Tiani Boulton

Director

E: tiani.boulton@adaptplanning.com.au

M: 0404924160

MAKING COMPLEX DEVELOPMENT SIMPLE

ADAPT

TOWN PLANNING • DEVELOPMENT MANAGEMENT

DEVELOPMENT APPLICATION
RECONFIGURATION OF A LOT
(BOUNDARY REALIGNMENT -
2 LOTS INTO 2 LOTS AND CHANGES
TO AN ACCESS EASEMENT)

**48-50 AND 52-56 LYONS STREET,
MUNDUBBERA**

LOT 3 ON SP180560 AND
LOT 8 ON SP193730

PREPARED FOR:
ENERGIA PROPERTY
HOLDINGS PTY LTD

APRIL 2023

Our Ref: 20220618

**MAKING
COMPLEX
DEVELOPMENT
SIMPLE**

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1.0 SUMMARY

1.1 DEVELOPMENT APPLICATION DETAILS

Proposed Development:	Reconfiguring a Lot (Boundary Realignment - 2 lots into 2 lots and changes to an access easement)
Type of approval sought:	Development Permit for Reconfiguring a Lot
Site Address:	48-50 and 52-56 Lyons Street, Mundubbera
Real Property Description:	Lot 3 on SP180560 and Lot 8 on SP193730
Site Area:	Lot 3: 3,633m ² Lot 8: 476m ² Total: 4,109m ²
Assessment Manager:	North Burnett Regional Council
Owner Details:	Energia Property Holdings Pty Ltd (A.C.N. 650 068 590) Justin Daniel Paul Whelan and Faye Olive Whelan
Applicant Details:	Energia Property Holdings Pty Ltd

1.2 PLANNING INSTRUMENT DETAILS

Planning Scheme:	North Burnett Regional Planning Scheme
Zone:	Centre
Level of Assessment:	Code
Applicable Overlays	Priority Infrastructure (Trunk Infrastructure - Sewerage)

1.3 REFERRAL AGENCIES

State Assessment Referral Agency	Not required
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2.0 SITE DETAILS

2.1 SITE DESCRIPTION

The subject land is formally described as Lot 3 on SP180560 and Lot 8 on SP193730 at 48-50 and 52-56 Lyons Street, Mundubbera, and has a total site area of 4,109m². The site is currently improved by a range of shops. The site has a 39m frontage to Lyons Street, 30m to Bouverie Street and 20m to Burnett Street.

Site Characteristic	Description
Existing easements:	Lot 3 has an existing easement along the north-western boundary for access purposes.
Parking and access:	Existing crossovers from Lyons Street, Bouverie Street and Burnett Street. On-site parking to be maintained.
Topography:	Falls towards Burnett Street.



Figure 1: Aerial photo of site (Nearmap, accessed February 2023)

2.2 SURROUNDING LAND USES

The site is immediately surrounded by centre zoning. Centre zoning exists to the north and east. A mix of centre and general residential zoning exists to the west. A mix of general residential and community purposes zoning exists to the south.

3.0 PROPOSED DEVELOPMENT DETAILS

This application seeks a Development Permit for Reconfiguring a Lot (Boundary Realignment - 2 lots into 2 lots and changes to an access easement) in accordance with the attached Proposal Plan prepared by JB Serisier Surveyors and Planners.

It is proposed to realign the boundaries of the existing two allotments as follows:

	Existing	Proposed
Lot 3 on SP180560	3,633m ²	3,805m ²
Lot 8 on SP193730	476m ²	313m ²
Easement E (previously EMT D)	251.46m ²	129m ²

The existing structures and their respective infrastructure will be retained within each respective lot. It is proposed to shorten Easement D in accordance with the proposed boundary changes.

Access to the site via Lyons Street will be restricted to entry only. This will be articulated through line marking and signage, and should be conditioned accordingly. Combined ingress and egress points via Bouverie Street and Burnett Street will remain as per existing arrangements.

The site can be connected to all essential services.

It is noted that the existing sewer pipe that runs east-west across the site, however, will not be affected by the proposed change.

4.0 STATE PLANNING INTERESTS

The Planning Act 2016 provides the framework and process of planning instruments and processes for development applications. The following planning instruments have been considered in this application and are discussed in further detail below in the following sections:

- State Planning Policy (SPP);
- Wide Bay Burnett Regional Plan;
- State referral requirements;
- State development assessment provisions (SDAP);
- Schedules 10 and 11 of the Planning Regulation.

4.1 STATE PLANNING POLICY (SPP)

Part E of the State Planning Policy provides a comprehensive review of the state interests, the related policies and assessment benchmarks under five broad themes. Section 2.1 of the North Burnett Regional Planning Scheme confirms it integrates the provisions of the State Planning Policy into the Planning Scheme. No further assessment is required.

4.2 REGIONAL PLAN

Section 2.2 of the Planning Scheme confirms it appropriately advances the Wide Bay Burnett Regional Plan. No further assessment is required.

4.3 STATE REFERRAL

Under the Planning Regulation 2017, referral to State Assessment Referral Agency (SARA) is not required.

4.4 STATE DEVELOPMENT ASSESSMENT PROVISIONS (SDAP)

State Development Assessment Provisions (SDAP) includes a series of benchmarks against which SARA will assess an application. As outlined in section 4.3 above, no further assessment is required.

4.5 SCHEDULE 10 OF THE PLANNING REGULATION

A review of Schedule 10 of the Planning Regulation confirms that the proposed development is not prohibited development and referral to State Assessment Referral Agency (SARA) is required for State controlled road matters.

4.6 SCHEDULE 11 OF THE PLANNING REGULATION

A review of Schedule 11 of the Planning Regulation provides assessment benchmarks in relation to koala habitat in the SEQ Region where for development on premises in a koala priority area not interfering with koala habitat and for development in an identified koala broad-hectare area. The site is not mapped as containing koala habitat or broad hectare area and the assessment benchmarks are therefore not applicable to this development.

5.0 PLANNING ASSESSMENT

Under the North Burnett Regional Planning Scheme, the site is within the Centre Zone (refer to Figure 2 below).



Figure 2: Zone Map Extract (NBRC, accessed February 2023)

5.1 TABLE OF ASSESSMENT

Under the relevant table of assessment for the Centre Zone, the proposed development is subject to code assessment. The proposed development is required to be assessed against the following code:

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

The proposal has been assessed against the Acceptable Outcomes and Performance Outcomes of the above codes and is considered compliant. Refer to attached code assessment. Where the proposal is not compliant with an Acceptable Outcome, this has been addressed in section 5.3 below.

5.2 CENTRE ZONE

The purpose of the Centre Zone Code is to *provide for a variety of uses and activities to service all or part of the local government area, including, for example, administrative, business, community, cultural, entertainment, professional, residential or retail uses or activities.*

Comment: The proposal seeks to retain the existing land uses. The proposal is for a boundary realignment only.

5.3 PLANNING SCHEME NON-COMPLIANCES

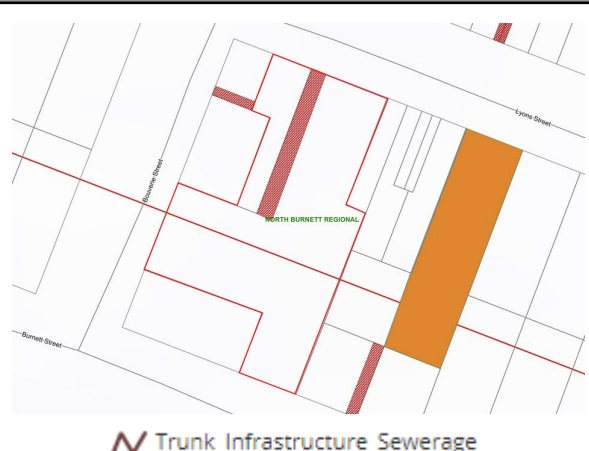
A review of the relevant planning scheme codes has been undertaken which confirms the proposed development complies with all of the Acceptable and Performance Outcomes of the applicable code. Where the proposal does not comply with the Acceptable Outcomes of the codes, the below provides alternate solutions to satisfy the corresponding Performance Outcome. Refer to attached code assessment.

Performance Outcome	Acceptable Outcome	Response
P03 Lots incorporate suitable vehicular and pedestrian access having regard to the zone and the context of the land.	A03.2 Where access to a lot is proposed via an access strip or easement, the access strip or easement— (a) has a minimum width of— (i) six metres in all zones except the Industry zone; or (ii) eight metres in the Industry zone; and (b) is designed and constructed in accordance with the— (i) Infrastructure and operational work code; and (ii) SC6.2 Design and construction standards for development works policy.	Complies with P03 The access easement has slightly reduced in width from 5m to 4.75m to accommodate a dedicated pedestrian footpath along the eastern side of EMT E. It is proposed to restrict access to the site via Lyons Street to entry only. This will be articulated through line marking and signage, and should be conditioned accordingly. Combined ingress and egress points via Bouverie Street and Burnett Street will remain as per existing arrangements. The proposed changes result in maintaining suitable vehicular and pedestrian access.

5.4 PLANNING SCHEME CONFLICTS

The assessment of the proposed development against the North Burnett Planning Scheme has determined that there are no planning scheme conflicts.

5.5 OVERLAYS

Overlay	Comment
	The proposed boundary realignment does not have any adverse impact on the mapped sewer infrastructure.

6.0 SUPPORTING INFORMATION

The following section provides a summary of the supporting information relating to the proposed development:

Documentation for Approval			
Plan No.	Rev.	Plan Title	Date
S220218-Pro1	-	<i>Proposal Plan</i> , prepared by JB Serisier	21/02/23

7.0 CONCLUSION

This Town Planning Assessment Report has been prepared on behalf of Energia Property Holdings Pty Ltd to support a Development Application for Reconfiguring a Lot (Boundary Realignment - 2 lots into 2 lots and changes to an access easement) in respect of land at 48-50 and 52-56 Lyons Street, Mundubbera (Lot 3 on SP180560 and Lot 8 on SP193730).

The site is included under the North Burnett Regional Planning Scheme within the Centre zone. Within the Centre zone, the proposed development is subject to code assessment.

The proposal is considered consistent with relevant state planning provisions and demonstrates compliance with the applicable local planning provisions.

Approval of the proposed development is warranted subject to relevant and reasonable conditions.

RECONFIGURING A LOT (BOUNDARY REALIGNMENT) AND ASSOCIATED OPERATIONAL WORK CODE

Performance Outcome	Acceptable Outcome	Comment
PO1 The reconfiguring results in functional and practical lots having regard to their likely use and the purpose of the zone in which the land is situated.	A01.1 New boundaries do not increase any non-compliance with the building envelope requirements in— (a) Table 6.3.1—Building envelope criteria (for buildings other than Class 1 or 10): All zones; or (b) the Dwelling house code or Dual occupancy code (for Class 1 or 10 buildings).	Complies with A01.1 The proposal achieves compliance with Table 6.3.1.
	A01.2 If in the Rural zone, no proposed lot is less than 1.0 hectares in area.	Not applicable The site is not in the Rural zone.
	A01.3 The reconfiguring would not result in more than one rear lot behind a standard lot.	Complies with A01.3 No rear lots proposed as part of the realignment.
	A01.4 The reconfiguration ensures that any existing buildings and structures are setback to any new property boundary in accordance with— (a) Table 6.3.1—Building envelope criteria (for buildings other than Class 1 or 10): All zones; or (b) the Dwelling house code or Dual occupancy code (for Class 1 or 10 buildings).	Complies with A01.4 The proposal achieves compliance with Table 6.3.1.
	A01.5 The configuration of lots enables— (a) proposed buildings and structures to avoid easements, such as easements for trunk sewer lines; (b) the construction of buildings and structures where they avoid existing or planned infrastructure.	Complies with A01.5 The existing easement will be shortened and reduced in width as a result of the proposed boundary realignment. No new easements, buildings or structures proposed.
	A01.6 No new boundary is created where the existing slope	Complies with A01.6

	of the land is 15 per cent or greater.	
P02 Lots have appropriate non-trunk infrastructure.	<p>A02.1 Either— (a) for premises within a water supply area, each lot has a connection to the reticulated water supply system; or (b) for premises outside a water supply 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— (i) residential premises – 45,000 litres; and (ii) other premises – 25,000 litres.</p> <p>A02.2 Either— (a) for premises within a sewerage area, each lot has a connection to the sewerage service; or (b) for premises outside a sewerage area, each lot provides for an effluent treatment and disposal system in compliance with the Plumbing and Drainage Act 2002.</p> <p>A02.3 Either— (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 (b) each lot in the Rural zone or Recreation and open space zone has on-site electricity generating infrastructure.</p> <p>A02.4 Each lot has access to a telecommunications network</p>	<p>Complies with A02.1 Existing connection to be maintained.</p> <p>Complies with A02.2 Existing connection to be maintained.</p> <p>Complies with A02.3 Existing connection to be maintained.</p> <p>Complies with A02.4 Existing connection to be maintained.</p>
P03 Lots incorporate suitable vehicular and pedestrian access having regard to the zone and the context of the land.	A03.1 Each lot has lawful, safe and practical access to the existing road network via— (a) direct road frontage; or (b) an access strip (for a rear	Complies with A03.1 Existing access arrangements to be maintained (noting the existing easement will be shortened and reduced in width

	<p>lot); or (c) an access easement.</p> <p>A03.2 Where access to a lot is proposed via an access strip or easement, the access strip or easement— (a) has a minimum width of— (i) six metres in all zones except the Industry zone; or (ii) eight metres in the Industry zone; and (b) is designed and constructed in accordance with the— (i) Infrastructure and operational work code; and (ii) SC6.2 Design and construction standards for development works policy.</p> <p>A03.3 The maximum length of an access strip or easement is 50 metres.</p> <p>A03.4 The gradient of an access strip or easement does not exceed any maximum grade stated in SC6.2 Design and construction standards for development works policy.</p> <p>A03.5 A driveway crossover to each lot is designed and constructed in accordance with the— (a) Infrastructure and operational work code; and (b) SC6.2 Design and construction standards for development works policy.</p>	<p>as a result of the proposal).</p> <p>Alternate Solution Refer report.</p> <p>Complies with A03.3 The easement has a length of 26.9m.</p> <p>Complies with A03.4</p> <p>Not applicable The existing driveway will be maintained.</p>
<p>P04 Reconfiguring appropriately accommodates stormwater, having regard to the zone and the context of the land.</p>	<p>A04.1 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 Urban</p>	<p>Not applicable</p>

	<p>Stormwater Quality Planning Guidelines 2010.</p> <p>A04.2 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>A04.3 Following filling or excavation— (a) the site is self-draining and has a crossfall of 1 in 100; and (b) surface water flow is directed away from neighbouring properties or discharged to a lawful point of discharge.</p>	<p>Not applicable</p> <p>Not applicable</p>
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Our Ref: 20220618

North Burnett Regional Council
PO Box 390
Gayndah QLD 4625
Sent via email: admin@northburnett.qld.gov.au

Dear Sir / Madam,

LANDOWNER CONSENT

DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (BOUNDARY REALIGNMENT - 2 LOTS INTO 2 LOTS AND CHANGES TO AN ACCESS EASEMENT) AT 48-50 AND 52-56 LYONS STREET, MUNDUBBERA (LOT 3 ON SP180560 AND LOT 8 ON SP193730)

ENERGIA PROPERTY HOLDINGS PTY LTD (A.C.N. 650 068 590) AS TRUSTEE, as owner/s of land at **48-50 LYONS STREET, MUNDUBBERA**, described as **LOT 3 ON SP180560**, hereby consent to the making of the above application under the Planning Act 2016 by **ADAPT DEVELOPMENT MANAGEMENT PTY LTD**.

Signed by:



B5BA749439CD75F9

NAME: Stephen Douglas Kay
DIRECTOR

11/04/2023

DATE:

Signed by:



30D5148269BBA06B

NAME: Vincenzo Cateno Catanzaro
DIRECTOR

17/04/2023

DATE:

MAKING COMPLEX DEVELOPMENT SIMPLE

Our Ref: 20220618

North Burnett Regional Council
PO Box 390
Gayndah QLD 4625
Sent via email: admin@northburnett.qld.gov.au

Dear Sir / Madam,

LANDOWNER CONSENT

DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (BOUNDARY REALIGNMENT - 2 LOTS INTO 2 LOTS AND CHANGES TO AN ACCESS EASEMENT) AT 48-50 AND 52-56 LYONS STREET, MUNDUBBERA (LOT 3 ON SP180560 AND LOT 8 ON SP193730)

JUSTIN DANIEL PAUL WHELAN AND FAYE OLIVE WHELAN (TRUSTEE), as owners of land at **52-56 LYONS STREET, MUNDUBBERA**, described as **LOT 8 ON SP193730**, hereby consent to the making of the above application under the Planning Act 2016 by **ADAPT DEVELOPMENT MANAGEMENT PTY LTD.**



.....
NAME: JUSTIN DANIEL PAUL WHELAN

17/4/23
.....
DATE:



.....
NAME: FAYE OLIVE WHELAN

17.4.2023
.....
DATE:

MAKING COMPLEX DEVELOPMENT SIMPLE

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)	Energia Property Holdings Pty Ltd
Contact name (only applicable for companies)	C/- Adapt Development Management Pty Ltd (Tiani Boulton)
Postal address (P.O. Box or street address)	PO Box 7618
Suburb	Sippy Downs
State	QLD
Postcode	4556
Country	Australia
Contact number	0404 924 160
Email address (non-mandatory)	tiani.boulton@adaptplanning.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	20220618

2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input 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
		48-50	Lyons Street	Mundubbera
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4626	3	SP180560	North Burnett Regional Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
		52-56	Lyons Street	Mundubbera
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4626	8	SP193730	North Burnett Regional Council

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

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):*

Boundary Realignment - 2 lots into 2 lots and changes to an access easement

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 <i>DA Form 2 – Building work details</i>

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 ²) (if applicable)

8.2) Does the proposed use involve the use of existing buildings on the premises?

☐ Yes

☐ 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?

2

9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)

<input type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input checked="" type="checkbox"/> Boundary realignment (complete 12))	<input checked="" 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				

10.2) Will the subdivision be staged?

☐ Yes – provide additional details below

☐ 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 ²)	Lot on plan description	Area (m ²)
Lot 3 on SP180560	3,633m ²	Proposed Lot 3	3,805m ²
Lot 8 on SP193730	476m ²	Proposed Lot 8	313m ²

12.2) What is the reason for the boundary realignment?

Agreement to purchase part of 8SP193730

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
Emt D (existing)	5.0m	50.295m	Vehicular access	Lot 8 on SP193730
Emt E (proposed)	4.75m	26.9m	Vehicular access	Proposed Lot 8

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:		

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

<input type="checkbox"/> Yes – specify number of new lots:	
<input type="checkbox"/> No	

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

\$

PART 4 – ASSESSMENT MANAGER DETAILS

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

North Burnett 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

<input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA has been devolved to local government)</i> <input type="checkbox"/> Heritage places – Local heritage places
Matters requiring referral to the Chief Executive of the distribution entity or transmission entity: <input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> • 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 <input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council: <input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the Minister responsible for administering the Transport Infrastructure Act 1994: <input type="checkbox"/> Ports – Brisbane core port land <i>(where inconsistent with the Brisbane port LUP for transport reasons)</i> <input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the relevant port operator, if applicant is not port operator: <input type="checkbox"/> Ports – Land within Port of Brisbane's port limits <i>(below high-water mark)</i>
Matters requiring referral to the Chief Executive of the relevant port authority: <input type="checkbox"/> Ports – Land within limits of another port <i>(below high-water mark)</i>
Matters requiring referral to the Gold Coast Waterways Authority: <input type="checkbox"/> Tidal works or work in a coastal management district <i>(in Gold Coast waters)</i>
Matters requiring referral to the Queensland Fire and Emergency Service: <input type="checkbox"/> Tidal works or work in a coastal management district <i>(involving a marina (more than six vessel berths))</i>

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application <input checked="" type="checkbox"/> 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 <i>(if applicable)</i> .		

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application <input type="checkbox"/> 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:
<ul style="list-style-type: none"> • 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. An ERA requires an environmental authority to operate. See 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 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 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 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 for further information.

DA templates are available from <https://planning.dsdmip.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.dsdmip.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 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 and 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 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 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 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 for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
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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)

- ☐ 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 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

Date received: Reference number(s):

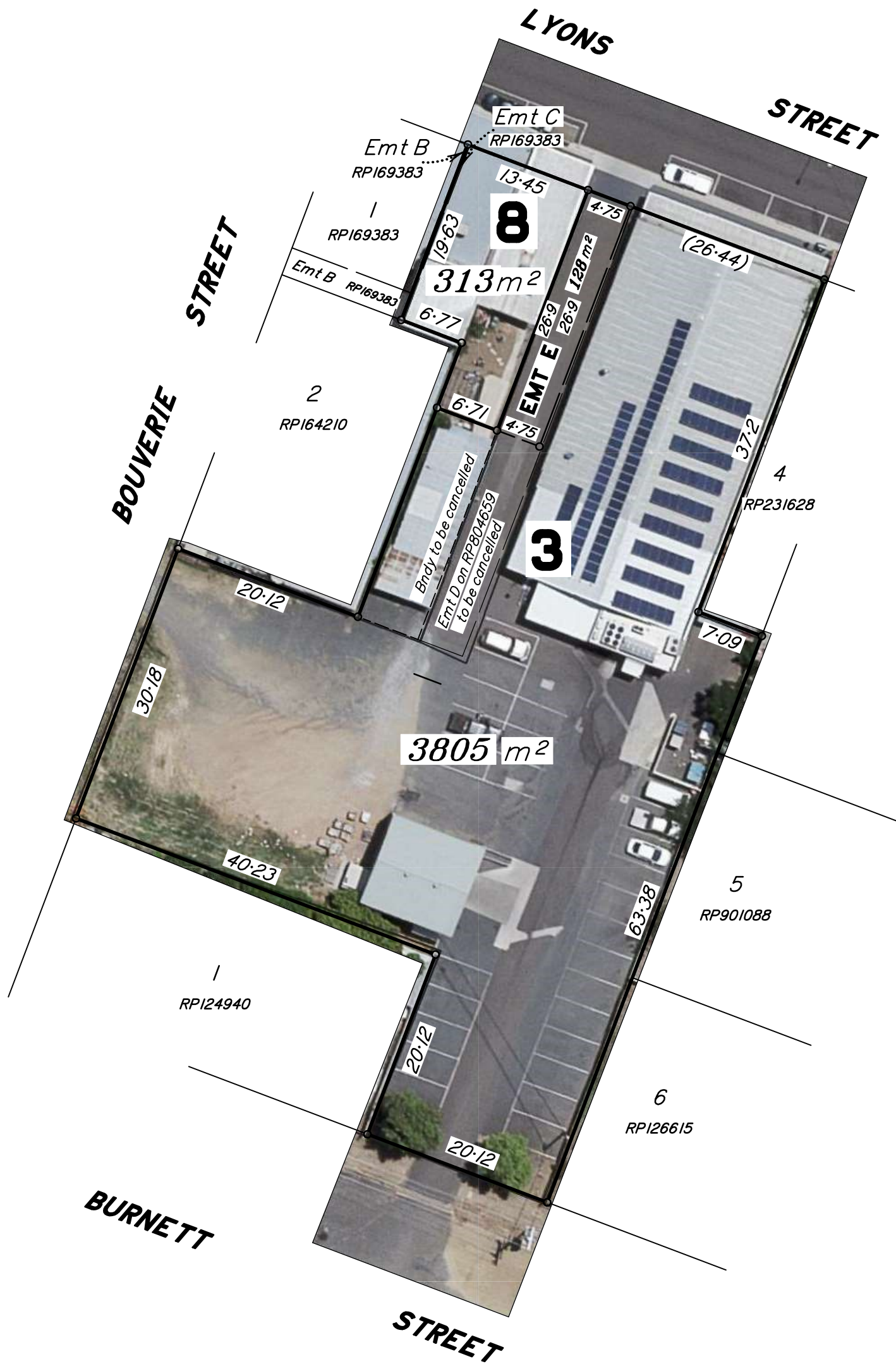
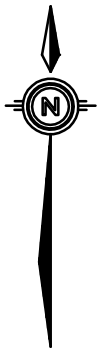
Notification of engagement of alternative assessment manager

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	

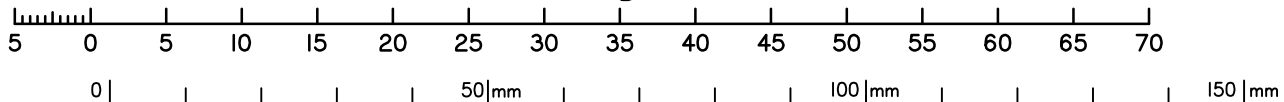
QLeave notification and payment

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			



Scale 1:500 @ A3 - Lengths are in metres.



DISCLAIMER

1. This plan was prepared for the purpose and exclusive use of Adapt Planning to accompany an application to the North Burnett Regional Council for approval to reconfigure the land described in the plan and is not to be used for any other purpose or by any other person person or corporation. CULLEN & COUPER PTY LTD accept no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or clauses 2 or 3 hereof.
2. The dimensions, area, size and location of utilities, improvements, flood information (if shown) and number of lots shown on this plan are approx. only and may vary.
3. This plan may not be photocopied unless this note is included.

ADAPT



PH: 07 4165 4468 Email : jbs.surv@bigpond.net.au
58 Lyons Street, Mundubbera QLD 4626

**Plan of Proposed Lots 3 & 8
and Easement E in Lot 3**

Cancelling Lot 3 on SPI80560 & Lot 8 on SPI93730

FORMAT *Proposal*

LOCALITY *MUNDUBBERA*
LOCAL GOVERNMENT *North Burnett R.C.*

S220218-Pro1

MERIDIAN
MGA

DATE
21/02/2023

SCALE
1:500 @ A3

SURVEYORS REF
S220218